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JAN - MARCH 1990

URBAN/MUNICIPAL

AGENDAS/MINUTES OF THE COUNCIL
OF THE CORPORATION OF THE CITY
OF HAMILTON

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THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

Tuesday, 1990 January 30
7:30 o'clock p.m.
Council Chambers, City Hall

URBAN MUNICIPAL
JAN 31 1990
GOVERNMENT DOCUMENTS

A G E N D A

1. Opening Prayer

Reverend John F. Nunns
Transfiguration Lutheran Church
232 Fennell Avenue East

2. Proclamations

Fit Trek Week, 1990 February 3 to February 11

White Cane Week, 1990 February 4 to February 10

Jaycee Week, 1990 January 22 to January 28

3. Presentations

Hamilton-Wentworth Embroiderers' Guild

Worldways Canada Inc.
Southbound Tours, Hamilton

Canada Safety Council Award
"Safe Driving Week"

4. Declaration of Office

Mr. K. E. Avery, City Clerk

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5. Minutes

1989 December 12

1989 December 19

6. Petition and Correspondence

7. Reports of the Standing Committees - attached

- (a) Finance and Administration Committee
- (b) Transport and Environment Committee
- (c) Parks and Recreation Committee
- (d) Planning and Development Committee
- (e) Information Systems Committee

8. Notice of Motion from Previous Meeting

Alderman D. Agostino

9. Notices of Motion for Next Meeting

10. First Reading of the Bills

11. Second Reading of the Bills - Committee of the Whole

12. Third Reading of the Bills

13. Question Period

14. Adjournment

M I N U T E S

MEETING OF HAMILTON CITY COUNCIL
TUESDAY, DECEMBER 12, 1989
7:30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson,
Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray.

His Worship Mayor Robert M. Morrow called the meeting to order.

The Reverend D. Paul Crittenden, Ryerson United Church, led the Council in prayer.

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The following presentations were made:

- (i) Hamilton-Scourge Foundation to the City of Hamilton
- (ii) General Manager of the Year - Canadian Soccer League

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A Certificate of Appreciation was presented to Mr. Paul Weiler "Pigskin Pete".

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The following communications were received and forwarded to the appropriate Committee, except as indicated:

1. Resolutions from the Mayor's Race Relations Committee.
2. Application from Joan and Bruce W. Richardson, 63 Malton Drive, Hamilton, Ontario, and Ruby and Wellman F. Stockton, 67 Malton Drive, Hamilton, Ontario, for a change in zoning, properties located at 63 and 67 Malton Drive, dated December 6, 1989.
3. Application from Mary Agnes Kosar and Gail Elizabeth Holmes, 1030 Upper James Street, Hamilton, Ontario, for a change in zoning, property located at 648 Upper Paradise Road, dated December 6, 1989.
4. Application from The Ukrainian Villa of the Resurrection Church in Hamilton, 18 Mall Road, Hamilton, Ontario, for a change in zoning, property located south of Mohawk Road East in the area between Upper Wentworth Street and Mall Road, dated December 11, 1989.
5. Fax from Mr. Pierre J. Gagnon, Canadian Campaign Director, United Farm Workers of America, AFL-CIO, 600 The East Mall, Suite 401, Toronto, Ontario, re the boycott of California grapes, dated December 6, 1989.

6. Letter from Mr. George Lewis, Winona, Ontario, re "Smoking in the Workplace By-law".
7. Letter from Colwyn Beynon, Chairman, Hamilton Historical Board, re Strathcona Fire Hall, dated December 12, 1989.
8. Letter and correspondence from Mr. Adam Ortega, Representative, Grape Workers & Farmers Coalition, P.O. Box 64770-757, Los Angeles, California, re boycott of California grapes, dated December 8, 1989.
9. Letter from Mr. Fred Loft, President, Canadian Union of Public Employees, Local Five, 231 Bay St. North, Hamilton, Ontario, re Denial of Day of Mourning Statute, dated December 7, 1989.
10. Letter from Katherine Philp, Departmental Secretary, and Mr. Edward Sernie, Slide Library Curator, McMaster University, 1280 Main St. West, Hamilton, Ontario, re sculpture by Paul Cvetich, dated December 7, 1989.

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It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole to consider the following Reports, with Alderman Agostino in the chair.

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(A) CO-ORDINATING COMMITTEE - TWENTY-SECOND REPORT.

Recorded vote on Subsection (a) of Section 1.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

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Recorded vote on Subsection (b) of Section 1.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Smith, Jackson. - 11.

NAYS: Aldermen Merling, Gallagher, Ross, Murray. - 4. CARRIED.

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Recorded vote on Subsection (c) of Section 1.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch,
Hinkley, Copps, Christopherson, Agostino, Smith,
Jackson. - 11.

NAYS: Aldermen Merling, Gallagher, Ross, Murray. - 4. CARRIED.

(B) TRANSPORT AND ENVIRONMENT COMMITTEE - TWENTIETH REPORT.

Recorded vote on Section 26.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch,
Hinkley, Copps, Christopherson, Agostino, Smith,
Jackson, Merling, Murray. - 13.

NAYS: Alderman Ross. - 1. CARRIED.

Recorded vote on Section 30.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch,
Hinkley, Christopherson, Agostino, Lombardo, Smith,
Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: Alderman Copps. - 1. CARRIED.

The recommendation of the Co-Ordinating Committee on Section 33
was carried.

The recommendation of the Co-Ordinating Committee on Section 34
was carried.

The recommendation of the Co-Ordinating Committee on Section 35
amended by changing the figure "\$10,000." in the third line to
"\$82,000."

The recommendation of the Co-Ordinating Committee on Section 35
carried, as amended.

It was moved by Alderman Merling and seconded by Alderman Ross.

RESOLVED: that Subsection (a) of Section 38 be amended by adding the following, after the word "extension" in the third line:

"during non-rush hour periods only". - CARRIED.

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(C) PARKS AND RECREATION COMMITTEE - TWENTY-THIRD REPORT.

Recorded vote on Section 2.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 13.

NAYS: Alderman Copps. - 1. CARRIED.

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The recommendation of the Co-Ordinating Committee on Section 8 was carried.

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(C) PARKS AND RECREATION COMMITTEE - TWENTY-FOURTH REPORT.

It was moved by Alderman Murray and seconded by Alderman Gallagher.

RESOLVED: that Subsection (a) of Section 1 amended by adding the following, before the word "That" in the first line:

"With respect to the Supreme Court Action of Wade, et al-v-The Corporation of the City of Hamilton and the Hamilton Baseball Association." - CARRIED.

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(D) PLANNING AND DEVELOPMENT COMMITTEE - TWENTY-EIGHTH REPORT.

It was moved by Alderman Smith and seconded by Alderman Lombardo.

RESOLVED: that Rule 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of three demolition permit applications. -

YEAS: Mayor Morrow; Aldermen Agostino, Lombardo, Smith, Jackson, Merling, Ross, Murray. - 8.

NAYS: Aldermen Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson. - 6. CARRIED.

It was moved by Alderman Smith and seconded by Alderman Lombardo.

RESOLVED: that Section 2 be amended to include the following:

"(c) 454 Main Street West
(d) 456 Main Street West
(e) 458 Main Street West".

It was moved by Alderman Christopherson and seconded by Alderman Kiss.

RESOLVED: that Section 2 be amended by adding the following:

"That issuance of the demolition permits for the properties referred to in Subsections (c), (d), and (e), be subject to the approval of the Planning and Development Committee at its meeting on December 13, 1989." - CARRIED, AS AMENDED.

Recorded vote on Section 19.

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Lombardo, Smith, Jackson, Merling, Ross, Murray. - 13.

NAYS: Mayor Morrow; Alderman Gallagher. - 2. CARRIED.

(E) LEGISLATION COMMITTEE - EIGHTEENTH REPORT.

It was moved by Alderman Gallagher and seconded by Alderman Merling.

RESOLVED: that Section 1 be referred back. -

YEAS: Aldermen Cooke, Merling, Gallagher, Murray. - 4.

NAYS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Lombardo, Jackson, Ross. - 11. LOST.

It was moved by Alderman Agro and seconded by Alderman Lombardo.

RESOLVED: that Section 1 be amended by adding the following as Subsection (c):

"(c) That the above-noted By-law not apply to workplaces that are regulated by "Smoking in Public Places By-law No. 80-258", with exception of Municipal Offices. -

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Lombardo, Jackson, Ross. - 11.

NAYS: Aldermen Cooke, Merling, Gallagher, Murray. - 4. CARRIED.

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Recorded vote on Section 1, as amended.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Lombardo, Jackson, Ross. - 11.

NAYS: Aldermen Cooke, Merling, Gallagher, Murray. - 4. CARRIED.

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Section 2, reading as follows:

"2. (a) That the City of Hamilton host a civic reception for the participants of the 91st Highlanders Athletic Association's Hamilton Spectator 1990 Indoor Games at a cost not to exceed \$6,000.; and

(b) That funding for this event be financed from the 1990 Special Civic Receptions and Delegate Hostings Account No. CH55314 84010."

deleted.

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Recorded vote on Section 12.

YEAS: Mayor Morrow; Aldermen Agro, McCulloch, Agostino, Lombardo, Merling, Gallagher, Ross, Murray. - 9.

NAYS: Aldermen Cooke, Kiss, Hinkley, Copps, Christopherson, Jackson. - 6. CARRIED.

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It was moved by Alderman Lombardo and seconded by Alderman Merling.

RESOLVED: that Rule 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to consider a resolution dealing with a lease agreement for the Hamilton Farmers' Market Coffee Shop.- CARRIED.

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It was moved by Alderman Lombardo and seconded by Alderman Merling.

RESOLVED: that the following be added as Section 14.

"14. (a) That a five (5) year lease agreement, with a five year option, be entered into with Burton and Marguarite Hubbard for the operation of the Hamilton Farmers' Market Coffee Shop, at a rate of \$290.00 per month for 1990, to be adjusted yearly to reflect inflationary and other costs.

(b) That the Acting City Solicitor be requested to prepare this lease agreement.

NOTE: Burton and Marguarite Hubbard have operated this coffee shop under lease agreement for the past ten years." - CARRIED.

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It was moved by Alderman Christopherson and seconded by Alderman Kiss.

RESOLVED: that Rule 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to consider a resolution dealing with the "Day of Mourning" Sculpture Project sponsored by the Hamilton and District Labour Council. - CARRIED.

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It was moved by Alderman Christopherson and seconded by Alderman Kiss.

RESOLVED: that the following be added as Section 15.

"15. That the recommendation of the Panel of Jurors to award the "Day of Mourning" Sculpture Commission to Mr. Paul Cvetich, Artist, be approved.

NOTE: At its meeting held 1989 April 25 City Council, on the recommendation of the Legislation Committee, approved the request of the Hamilton and District Labour Council to erect a memorial upon the grounds of City Hall, at a location west of the existing building near Bay Street, in accordance with the POLICY TO GOVERN AND REGULATE THE INSTALLATION OF COMMEMORATIVE PLAQUES, MEMORIALS, MONUMENTS, TIME CAPSULES AND TREES UPON CITY HALL GROUNDS, which was adopted by City Council 1988 September 7.

The Legislation Committee approved that Alderman M. Kiss and Alderman D. Drury be appointed to sit on the panel of jurors which was established to review the preliminary drawings received from local artists. The competition was administered by the Hamilton and Region Arts Council. Pursuant to the above mentioned policy, the final design and quality of materials to be used in the monument is subject to the approval of City Council." -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 16.

NAYS: 0 - CARRIED.

This item was actually dealt with at the beginning of the meeting.

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(F) PERSONNEL COMMITTEE - EIGHTEENTH REPORT.

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(G) FINANCE COMMITTEE - TWENTIETH REPORT.

It was moved by Alderman Hinkley and seconded by Alderman Cooke.

RESOLVED: that Section 1, reading as follows:

- "1. (a) That the report of The Coopers & Lybrand Consulting Group, Management Consultants, dated 1989 December 1, entitled "Capital Charges Study" be approved by City Council effective 1990 January 1.
- (b) That pursuant to the provisions of the Development Charges Act, 1989, a full public meeting be held by all interested parties early in January 1990.

- (c) That, effective 1990 January 1, the Building Commissioner be authorized and directed to collect the recommended development charges prior to the passage and approval of a development charge by-law and that these charges to be held in escrow pending approval of the by-law.
- (d) That the Acting City Solicitor be requested to examine the legal ramifications of imposing the new development charges prior to the by-law coming into force or collecting the new development charges retroactively once the by-law comes into force.
- (e) That any interested party intending to comment to City Council on the Coopers & Lybrand Report be assessed \$25. per report.

NOTE: Copies of this report have already been distributed to all Members of City Council."

be deleted and the following substituted in lieu thereof.

- "1. (a) That the Report of The Coopers & Lybrand Consulting Group, Management Consultants, dated 1989 December 1, entitled "Capital Charges Study", be approved.
- (b) That Council directs and approves that the appropriate City staff arrange a full public meeting of the Finance and Administration Committee, prior to the passing of a Development Charge By-law, in accordance with the Act itself and provincial regulations to to be made by Cabinet and filed under the Development Charges Act, 1989, as soon as the necessary Regulations are available, so as to receive submissions from the interested parties and the public on the report.
- (c) That the Acting City Solicitor be requested to examine the legal ramifications of imposing the new development charges in accordance with the Development Charges Act, 1989, and as outlined in The Coopers & Lybrand Report.
- (d) That any interested party intending to comment on The Coopers & Lybrand Report pay \$25. per copy of the report.
- (e) That every effort be made to have the public meeting referred to in Subsection (b) as soon as legally possible and practical.

NOTE: The City Solicitor's Office has advised that,

whereas the Act received Royal Assent and became law on 1989 November 23, the necessary regulations thereunder, which are required to be made and filed before a municipality can take any steps, including preliminary public information steps required by the Act, have not yet been considered by the Provincial Cabinet nor made available. The Acting City Solicitor advises that since compliance with the Regulations is legally mandatory, proposed action by the City must await their promulgation by the Province.

The above resolution, when passed, will authorize City staff to act immediately to arrange the public meeting when the Regulations are made available by the Province." - CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED; that Alderman Lombardo be appointed Acting Mayor for the month of December, 1989. - CARRIED.

NOTICE OF MOTION

Alderman D. Agostino gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

"RESOLVED: that the Council of The Corporation of the City of Hamilton endorse, in principle, the response of the Solicitor General with respect to the report of the Task Force on Race Relations and Policing."

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted.-

YEAS: Mayor Morrow; Aldermen Cooke, Kiss; Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

A-35,
B-130, B-131, B-132, B-133, B-134, B-135, B-136, B-137,
B-138, B-139, B-140, B-141, B-142, B-143,
C-3,
D-151, D-152, D-153, D-154, D-155, D-156,
E-11, E-12, E-13,
G-15.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Agostino in the chair.

A-35,
B-130, B-131, B-132, B-133, B-134, B-135, B-136, B-137,
B-138, B-139, B-140, B-141, B-142, B-143,
C-3,
D-151, D-152, D-153, D-154, D-155, D-156,
E-11, E-12, E-13,
G-15.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

Consideration of the Bills (second reading).

It was moved by Alderman Agro and seconded by Alderman Lombardo.

RESOLVED: that Bill E-11, Respecting Smoking in the Workplace, be amended by adding the following as Subsection (3) of Section 2.

"(3) Subsections (1) and (2) shall not apply to workplaces or parts thereof that are regulated under City of Hamilton By-law No. 80-258, as amended, save and except for Municipal Offices, and further, by deleting Sections 16 and 18, and renumbering the sections accordingly." -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Copps, Christopherson, Agostino, Lombardo, Jackson, Ross. - 12.

NAYS: Aldermen Merling, Murray. - 2. CARRIED.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Drury, Copps,
Christopherson, Agostino, Smith, Jackson, Gallagher, Ross. - 12.

NAYS: 0 - CARRIED.

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It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried,
that Council move into Committee of the Whole (second reading) to consider
the following Bills, with Mayor R. M. Morrow in the chair.

A-36,
B-144, B-145 -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Drury, Copps,
Christopherson, Agostino, Smith, Jackson, Gallagher, Ross. - 12.

NAYS: 0 - CARRIED.

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Consideration of the Bills (second reading).

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It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading)
on the Bills be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Drury, Copps,
Christopherson, Agostino, Smith, Jackson, Gallagher, Ross. - 12.

NAYS: 0 - CARRIED.

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It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time:

A-36,
B-144, B-145 -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Drury, Copps,
Christopherson, Agostino, Smith, Jackson, Gallagher, Ross. - 12.

NAYS: 0 - CARRIED.

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City Council adjourned at 7.20 p.m.

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REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its FIRST Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Union Boiler Company of Hamilton Ltd., Hamilton, in the amount of \$15 200 for the removal and disposal of pool equipment at Dalewood Pool, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

As this work is to be completed during pool closing 1990 January 2, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

NOTE: Lowest of four (4) quotations received. Funds provided in Replacement of Pool Filtration Systems, Dalewood Recreation Centre Account No. CF 5255 318941015.

2. (a) That a purchase order be issued to 309917 Ontario Limited o/a Western Plumbing & Heating, Hamilton, in the amount of \$81 900 for the renovations to pool filtration system at Dalewood Pool, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

As this work is to be completed during pool closing 1990 January 2, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

- (b) That a contract be entered into with the above firm satisfactory to the City Solicitor.

NOTE: Only quotation received. Funds provided in Pool Renovations to Filtration Systems, Dalewood Recreation Centre Account No. CF 5255 318941015.

3. That a purchase order be issued to Lilo Products, Hamilton, for the supply and delivery of Janitorial Paper Products as and when required during 1990 to Purchasing Stores, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of seven (7) tenders received. Funds provided in Purchasing Stores Inventory Account No. CH 56103 28999.

4. That a purchase order be issued to C.T.I. Business Furnishings Ltd., Mississauga, in the amount of \$12,725.25 plus provincial sales tax at 8% for the supply and delivery of furniture for the Traffic Department in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of four (4) quotations received. Funds provided in Traffic Department Renovations Account No. CF 5573 318841 201

5. (a) That the 1989 Budget Estimates be annualized for those departments where additional staff were approved and added during 1989, by increasing the appropriate estimates for salaries and benefits so that the estimates reflect a full year's costs for added staff.
- (b) That the sum total of all annualizations in the amount of \$412 350 be reflected in total to the Contingency account.
- (c) That a "reserve for annualization" be created and initially funded by a charge to the appropriate departmental budgets in the 1989 accounts equal to the cost for annualization of added staff in 1989. The purpose of this reserve will be to help equalize estimates from one year to the next due to annualization of new or enhanced programs.

NOTE: Each department that added approved staff during 1989 would have a full year's estimate for salary and benefits reflected in their 1989 base, so that the relationship with the 1990 estimates is equal except for the inflationary factor. The Contingency account estimate for 1989 would reflect the sum total of all annualized estimates and be carried over into 1990; the amount in the new reserve will then be credited to the 1990 budget estimates to offset the deficit carry-over of the Contingency account. As a result, the 1989 surplus of the City will be decreased by the amount of the annualization.

6. (a) That the project, Computer Software, at a gross cost of \$150 000 as provided for in the 1989 Portion of the 1989-1993 Capital Budget be proceeded with at this time.
- (b) That the \$150 000 required for this project be financed from the "Reserve for Capital Projects".

NOTE: Permission to proceed with this Capital Project was approved by the Information Systems Committee at its meeting held 1989 December 21.

7. (a) That, in accordance with Section 17 of the Eleventh Report of the Finance Committee adopted by City Council 1988 June 28, the City's external auditors, Pannell Kerr MacGillivray, be authorized to proceed to complete the Comprehensive Audit on the Real Estate and Property Area.
- (b) That, consistent with the Comprehensive Audit Programme, a Steering Committee be established composed of three (3) elected representatives who shall not be Chairman or Vice-Chairman of the Finance and Administration Committee, and Mr. Dan Vyce, Director of Property, Mr. E. C. Matthews, Treasurer, and Mr. George Baker, Fire Chief, to oversee the balance of this Comprehensive Audit Assignment to ensure that it has been prepared and completed in compliance with the Comprehensive Audit Programme as approved by City Council 1989 November 14 on the recommendation of the Finance Committee and the "Scope Proposal" prepared by the consultants and submit recommendations and/or comments to the Comprehensive Audit Sub-Committee.

NOTE: The Comprehensive Audit on the Real Estate and Property Area was broken down into "Phases" in order to control and administer the project.

Phase I - Property Maintenance Division has been completed.
Phases II and III - Real Property Management and Architecture should now be commenced and completed. The remaining two phases were put on 'hold' pending a review of the Comprehensive Audit Programme by the Comprehensive Audit Sub-Committee of the Finance Committee.

8. (a) That approval be given to proceed with a Comprehensive Audit on the operations and functions of H.E.C.F.I. as soon as possible.
- (b) That the Treasurer and Manager of Purchasing be authorized to prepare specifications and call for tenders for this Comprehensive Audit.

- (c) That, following receipt of tenders, the Treasurer be authorized and directed to recommend the method of financing the consultant fees required to conduct this Comprehensive Audit Assignment.
 - (d) That, consistent with the Comprehensive Audit Programme, a Steering Committee be established composed of Aldermen T. Cooke, G. Copps, and D. Ross, and Mr. Gabe Macaluso, Managing Director/C.E.O., Mr. K. E. Avery, City Clerk, and Mr. Dan Vyce, Director of Property, to oversee this Comprehensive Audit Assignment to ensure that it has been prepared and completed in compliance with the Comprehensive Audit Programme, as approved by City Council 1989 November 14 and the consultant's "Scope Proposal" and submit recommendations and comments to the Comprehensive Audit Sub-Committee.
9. (a) That Aldermen D. Agostino and T. Jackson be appointed to sit on the City's Accommodation Committee.
- (b) That the names of the above Council appointees be forwarded to Regional Council requesting they be included on the Region's Accommodation Committee.
10. (a) That the request of The Association of KIN Clubs for the City of Hamilton to purchase an ad in the special issue of the national publication "KIN Magazine" at a cost of \$455., be approved.
- (b) That the cost of the advertisement be financed from the City Clerk's Advertising Account No. CH 56302 12001.
11. (a) That the City of Hamilton purchase a 1/4 page in the information booklet of the Boys and Girls Clubs of Ontario which will be distributed to all of the public and high school libraries, daycare centres, abuse centres and the Children's Aid Society at a cost of \$225.
- (b) That the cost of the 1/4 page be financed from the City Clerk's Advertising Account No. CH 56302 12001.

NOTE: The purpose of this book is to let parents and children know where hope and help are available. Funds raised go toward helping under-privileged children through community-based programs.

12. That Mr. K. E. Avery, City Clerk, be appointed Film Advisory Officer for the City of Hamilton to act in an advisory capacity with respect to enquiries received from the Ontario Film Development Board and other interest groups regarding the possibility of using Hamilton locations in movies and television productions.

13. That the salary classification for the following new position in the Information Systems Department be approved:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY RANGE</u>
Administrative Assistant I	Provides administrative support to the Director of Information Systems and supervises the operations of the Administrative Support Division.	N	\$32,149.52 - \$37,911.12

14. That the salary classifications for the following new positions within the Information Systems Department be approved:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY RANGE</u>
Manager, Business Application Systems	Directs the development and maintenance of business, scientific and integrated office systems.	F	\$57,385.12 - \$67,525.12
Supervisor, Business Application Systems	Supervise Systems Analysts and programs in the development and maintenance of business application systems.	I	\$47,820.76 - \$56,347.72
Manager, Systems Planning	Prepare and implement strategic plans to ensure effective utilization of City and Regional computer resources.	H	\$49,664.68 - \$58,536.92
Supervisor, Technical Systems Services	Supervises Systems Analysts & Programmers in the development and maintenance of technical systems services.	I	\$47,820.76 - \$56,347.72

15. (a) That Alderman B. Hinkley, Chairman, Finance and Administration Committee, or his designate, be authorized to attend the 1990 Annual Conference of the Personnel Association of Ontario to be held in the City of Toronto 1990 February 28 to March 2.
- (b) That funding for attendance at this conference be charged to Human Resources Centre Account No. 142100 58602.

16. (a) That a three year Performance Excellence Programme, as outlined in the study design report previously distributed to all Members of City Council, be approved.
- (b) That the Performance Excellence Programme Steering Committee be authorized to proceed with the programme.
- (c) That the cost of the programme, as estimated in the budget section of the study design report, be shared equally by the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (d) That the estimated \$414 850 total City's cost of the Region/City Performance Excellence Programme over two years, including approximately \$35 000 in start-up costs, be financed from the Reserve for Sick Leave, and that this reserve be repaid from expected savings from the programme starting in 1992.
17. That the Appointments to and Terminations from Permanent positions with the Corporation to 1989 December 19, attached hereto and marked Appendix "A", be approved.
18. That permission be granted to the request of the Hamilton Jewish Community Centre to use the City Hall Council Chambers Sunday, 1990 May 6 at 7:30 o'clock p.m. for their Max Rotman Humanitarian Award Ceremony.
19. That approval be given to the action taken by the Finance and Administration Committee in authorizing the Ukrainian Canadian Committee, Hamilton Branch, to use the Council Chambers on Saturday, 1990 January 20 for their Annual Ceremony of the Proclamation of Independence Day in Ukraine.
20. (a) That Civic Awards be made to the members of the Hamilton Sportsworld Spartans Touch Football Team in recognition of winning the Canadian Touch Football Championships held in Saskatoon 1989 October 20-22.
- (b) That the cost of these awards be funded from the Civic Pins, Medals and Rings, Account No. CH 56126 84010.

21. For the information of the Members of Council, the Finance and Administration Committee at its meeting held 1990 January 4 approved of the establishment of a Sub-Committee comprised of Aldermen J. Gallagher and D. Agostino to review all aspects of the secretarial and support services currently provided to the Aldermen and report back.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson
Secretary
1990 January 4

/bc

Appendix "A" as referred to in Section 17 of the FIRST Report of the Finance and Administration Committee for 1990.

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Linda D. Ambridge	Senior Accounting Clerk (11)	Convention Centre	Replacing Ms. J. Evans - resigned	\$26,848.64	\$26,848.64 per annum	27/11/89
Ms. Ann Apkarian	Taxation Clerk IV (E-4)	Treasury	Replacing Ms. K. Grywachesk1 - transferred	\$21,905.52 to \$23,478.00	\$23,478.00 per annum (3 of 3)	11/12/89
Ms. Barbara E. Bazinet	Budget Analyst (L)	Treasury	Additional Staff as approved in 1989 Budget	\$36,989.16 to \$43,557.28	\$43,557.28 per annum (5 of 5)	11/12/89
Mr. Stephen J. Chang	Architect (Co-ordinator) (I)	Property	Additional Staff as approved in 1989 Budget	\$47,582.60 to \$56,067.44	\$51,968.80 per annum (3 of 5)	18/12/89
Ms. Liana Chrystian	Taxation Clerk IV (E-4)	Treasury	Replacing Ms. D. Blake - promoted	\$21,905.52 to \$23,478.00	\$21,905.52 per annum (1 of 3)	20/11/89
Mr. Murray Cole	Captain (C-8/A)	Fire	Replacing Mr. J. Cardwell - promoted	\$51,569.07	\$51,569.07 per annum	26/11/89
Mr. Vincent J. Cosentino	Parking Meter Collection Clerk (A-3)	Treasury	Replacing Mr. R. Leadbetter - retired	\$21,739.64 to \$24,696.36	\$22,604.92 per annum (2 of 4)	27/11/89
Mr. Larry A. Crooker	Labourer/Truck Driver (D-7)	Public Works	Replacing Mr. D. Embleton - transferred	\$27,202.24 to \$27,618.24	27,618.24 per annum (2 of 2)	15/11/89

Prepared 19/12/89

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Lynda Fthenos	Stenographer IV (E-2)	Public Works	Replacing Ms. D. Blackwell - retired	\$18,718.44 to \$20,165.60	\$18,718.44 per annum (1 of 3)	13/11/89
Mr. Robert D. Galloway	Draftsman/Woman II (A-6)	Traffic	Replacing Mr. R. Andoga - resigned	\$25,053.08 to \$30,047.16	\$25,053.08 per annum (1 of 5)	18/12/89
Ms. Natalie Gould	Building Inspector (A-12)	Building	Additional Staff as approved in 1989 Budget	\$32,425.64 to \$38,041.12	\$32,425.64 per annum (1 of 5)	20/11/89
Mr. K. Roland Henderson	Labourer/Truck Driver (D-7)	Public Works	Replacing Mr. B. Merritt - promoted	\$27,202.24 to \$27,618.24	\$27,202.24 per annum (1 of 2)	09/12/89
Mr. Vincent Kirkham	Traffic Serviceman/Woman II (A-3)	Traffic	Replacing Mr. D. Walker - promoted	\$21,739.64 to \$24,696.36	\$21,739.64 per annum (1 of 4)	30/10/89
Ms. Karen A. Leslie	Assistant Supervisor of Accounting (M)	Treasury	Replacing Mr. J. Spiller - promoted	\$34,569.60 to \$40,677.00	\$37,450.40 per annum (3 of 5)	12/12/89
Ms. Sandra Lucas-Norris	Draftsman/Woman II (A-6)	Traffic	Replacing Mr. R. Andoga - resigned	\$25,053.08 to \$30,047.16	\$26,099.32 per annum (2 of 5)	11/12/89
Mr. Glen A. McCrory	Building Inspector (A-12)	Building	Replacing Mr. G. Farrell - promoted	\$32,425.64 to \$38,041.12	\$32,425.64 per annum (1 of 5)	04/12/89

Prepared 19/12/89

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. David Rienties	Motor Mechanic (D-17)	Public Works	Replacing Mr. B. Park - resigned	\$32,878.56 to \$33,294.56	\$32,878.56 per annum (1 of 2)	20/11/89
Mr. Ming Yong	Truck Driver (Districts) (D-8)	Public Works	Replacing Mr. M. McEntee - promoted	\$27,362.40 to \$27,778.40	\$27,362.40 per annum (1 of 2)	26/11/89

THE CORPORATION OF THE CITY OF HAMILTON

TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. William Boon	Handyman	Central Utility Plant	Terminated	25 years, 1 month	28/08/88
Mr. Kevin Collins	Truck Driver	Public Works	Terminated	2 months	12/12/89
Mr. Michael Feyerer	Firefighter	Fire	Deceased	13 years, 7 months	18/11/89
Mr. Edward A. Simpson	City Clerk	City Clerk's	Retired	43 years, 7 months	29/12/89
Mr. Anton Tabuns	Motor Mechanic	Public Works	Retired	10 years, 2 months	30/11/89
Ms. Renate Velke	Information Desk Supervisor	Hamilton Convention Centre	Resigned	2 years, 1 month	25/11/89

Prepared 19/12/89

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Finance and Administration Committee presents its SECOND Report for 1990 and respectfully recommends:

1. That the Treasurer be authorized to make application to hire one trainee under the Ontario Municipal Internship Program for a two year period commencing 1990 July 2 and terminating 1992 July 3.

NOTE: The net City's share of this program in the amount of \$4040. has been provided for in Treasury Account No. CH51001 25110 in 1990.

2. That the Treasurer be authorized to make application to hire one student under the Involvement in Municipal Administration Program - 1990 for an 18 week period commencing 1990 April 30 and terminating 1990 August 31.

NOTE: The net City's share of this program in the amount of \$2950. has been provided in Treasury Account No. CH51001 25110 in 1990.

3. That the prelevy residential and non-residential mill rates for 1990 be established at figures slightly below 50% of the 1989 respective mill rates as follows:

(a) (i) That a real property tax prelevy mill rate of 162 mills be established for 1990 to be billed in two installments of 81.0 mills each, payable 1990 February 28 and March 30. This prelevy rate represents 49.988% of the 1989 residential mill rate.

(ii) That a business tax prelevy mill rate of 190 mills be established for 1990 to be billed in one installment, payable 1990 February 28. This prelevy rate represents 49.834% of the 1989 non-residential mill rate.

(b) That a non-metered water and sewer surcharge prelevy be established on behalf of the Regional Municipality of Hamilton-Wentworth, based on approximately 50% of the 1989 charge to be billed in two equal installments, payable 1990 February 28 and March 30.

4. That outstanding business taxes in the amount of \$68 765.36, be written-off in accordance with Section 495 of The Municipal Act, R.S.O., 1980, and charged to Account No. CH15401 00001, Tax Write-Offs.

NOTE: Detailed information respecting these write-offs can be obtained by contacting the Secretary of the Finance and Administration Committee or the Treasurer.

5.
 - (a) That the Capital Financing Plan for the Hamilton S.P.C.A., under a "User Pay Method" formula, as prepared by the Finance Department of the Regional Municipality of Hamilton-Wentworth and received at the Regional Council meeting of 1989 December 19, be approved by the City of Hamilton, and
 - (b) That the City of Hamilton pay an amount each year for the services of the Hamilton S.P.C.A., based upon a "User Pay Method" of allocating costs to each respective municipality, and that,
 - (c) the Service Fees, based upon the employment of the User Pay Method and applied to the Hamilton S.P.C.A. 1990 Operating Budget, be adopted.
 - (d) That the "User Pay Fees" and "Capital Contributions" be incorporated into the terms of contractual arrangements between the Hamilton S.P.C.A. and the City of Hamilton.
 - (e) That a contract for the purchase of Hamilton S.P.C.A. Services be executed which will be uniform amongst all municipalities.
6. That the Treasurer be authorized to prepare the necessary By-law for the authorization to borrow monies to pay off bank overdrafts for 1990, as and when they arise for current expenditures to a maximum of \$8 000 000.
7.
 - (a) That all City Department Heads and Local Board Managers thoroughly examine their operations and collectively identify existing services and programs which could be considered for reduction or elimination;
 - (b) That the Chief Administrative Officer and Treasurer co-ordinate the above task with the objective of compiling service/program packages totalling approximately \$2 000 000. which would represent a possible reduction to the preliminary City mill rate increase from 7.6% to 5.6% or lower (the current Consumer Price Index for Ontario).
 - (c) That these information packages be reviewed by the Standing Committees in the latter half of February in conjunction with the review of the 1990 Estimates of the Departments and Boards, with the objective of:
 - (i) facilitating the review by the Committees by reducing or eliminating the necessity of a detailed "line by line" examination of individual budgets;
 - (ii) assisting Standing Committees in applying the budget review process in a consistent manner.

8. That approval be given to the following tentative time frame for the 1990 current budget review process:

January 25	-	1990 Current Budget Overview to Finance and Administration Committee and City Council
February 19-23	-	1990 Current Budget Presentations to the Standing Committees
March 16 and 23	-	Committee of the Whole considers Current Budget (second meeting only if necessary)
April 10	-	1990 City Estimates approved by City Council
April 24	-	1990 Mill Rates approved by City Council

9. That purchase orders be issued for the supply and delivery of safety equipment as and when required during 1990 to Purchasing Stores, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

(a) Lawlor & Co., Hamilton

Rain pants	-	medium, large and x-large	12.15 each
		xx-large	13.95 each
Rain jackets	-	medium, large and x-large	13.69 each
		xx-large	15.74 each
Rain coats	-	medium, large and x-large	19.96 each
		xx-large	22.95 each
Rain hats			3.25 each
Full face pieces			168.10 each
Respirator	-	face pieces	19.10 each
		- cartridges 7500-1 and 7500-2	21.05 each
		- cartridges 7500-4	29.40 each
Filter	-	cartridges 7500-7	18.65/6
		- 7500-8	20.30/4
		- 7500-83	18.60/2
		- N7500-6B	53.30/100
		- N7500-9	12.48/10
		- N7500-10B	70.20/100
		- holders	2.00 each
		- covers	1.25 each
		- assemblies	5.20/2
		- pesticides	79.25/100
		- wipe pads 7003	14.25/pkg.
		- 80836 peel-off window	10.25/10
		- 80993 powder	15.85/gal.

Provincial sales tax extra at 8%

NOTE: Lowest of seven (7) tenders received. Funds provided in various Stock Inventory Accounts.

10. That a purchase order be issued to Charles Jones Industrial Ltd., Stoney Creek in the amount of \$31 206.69 plus taxes where applicable, for the supply and delivery of shovels, rakes, forks, hoes, etc. as and when required during 1990 to Purchasing Stores in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of five (5) tenders received. Funds provided in various Stock Inventory Accounts.

11. That purchase orders be issued for the supply and delivery of six (6) vehicles for the City Garage in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

(a) Mohawk Ford Sales, Hamilton

In the amount of \$47 485.44 to supply three (3) vehicles

(b) Corfe Pontiac Buick, Hamilton

In the amount of \$50 682.12 to supply three (3) vehicles

NOTE: Lowest acceptable of eleven (11) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH4X503 00101.

12. That a purchase order be issued to Mohawk Ford Sales, Hamilton, in the amount of \$17 520.84 for the purchase of one (1) full size vehicle to replace unit no. 9084, Central Garage, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of nine (9) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101 for 1990.

13. That a purchase order be issued to Altruck Transportation Services, Hamilton, in the amount of \$70 194.60 for the purchase of one (1) 52 000 lbs. GVW Chassis to replace unit no. 9456, Central Garage, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of two (2) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101 for 1990.

14. That a purchase order be issued to Mohawk Ford Sales, Hamilton, in the amount of \$11 632.68 for the purchase of one (1) compact vehicle to replace unit no. 9086, Central Garage, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of six (6) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101 for 1990.

15. That purchase orders be issued for the supply and delivery of electric light bulbs as and when required for Purchasing Stores during 1990, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

- (a) Westinghouse/Wesco, Hamilton
Approximate value of order \$ 82 770.54
Terms 2% 10 days, net 30 days
Discount off items not listed - 50%
Provincial sales tax extra at 8%
- (b) Westburne Electric, Hamilton
Approximate value of order \$ 46 869.64
Terms 2% 10 days, net 30 days
Discount off items not listed - 55%
Provincial sales tax extra at 8%
- (c) Sesco Limited, Burlington
Approximate value of order \$ 10 911.75
Terms net 30 days
Discount off items not listed - 50%
Provincial sales tax extra at 8%

NOTE: The suppliers being recommended have bid the lowest unit prices of seven (7) tenders received on the 200 types of light bulbs included in the tender. Funds are provided in various Stock Inventory Accounts.

16. That a purchase order be issued to Mohawk Ford Sales, Hamilton, in the amount of \$11,396.16 for the supply and delivery of one (1) 1990 compact vehicle, Building Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest acceptable of four (4) tenders received. Funds provided in Automotive Equipment Account No. CH58002 50001.

17. That the Corporation of the City of Hamilton issue a purchase order to Robertson Building Systems Ltd., to supply only formawall panels extruded sill section, joint covers etc., for repairs to the King Street West Pedestrian Bridge, for an estimated price of \$42 000.

NOTE: With the concurrence of the City Treasurer, it is recommended that this materials supply, be financed from the Reserve of Uninsured Losses, pending reimbursement from the insurance companies.

18. (a) That an Offer to Purchase executed by the Regional Municipality of Hamilton-Wentworth on 1989 December 8 and scheduled for closing on or before 1990 March 28 for the sale of City property at 150 Mud Street be approved and completed.

NOTE: This property which is required by the Region for freeway purposes has a frontage along the southerly limit of Mud Street of 87.6 feet (26.7 metres) more or less, by a depth of 264 feet (80.47 metres). The sale price of \$3 066.44 is to be credited to Account No. CH4X501 00102.

- (b) That an Option to Purchase executed by the Regional Municipality of Hamilton-Wentworth on 1989 December 8 and scheduled for closing on or before 1990 March 28 for the purchase by the City of 30 Mud Street be approved and completed.

NOTE: This property which is required by the City for open space purposes has a frontage on a 12 foot (3.65 metre) right-of-way of 119.64 feet (36.47 metres) by a depth of 190 feet (57.9 metres) more or less. The purchase price of \$4 703.11 is to be returned to the Ministry of Transportation within 90 days of the conveyance of this parcel of land by the Project Director of the Freeway Project Office.

Consideration in the amount of \$1. has been paid to the Region and pursuant to the agreement forms part of the purchase price.

19. (a) That the City enter into an encroachment agreement with the Regional Municipality of Hamilton-Wentworth endorsing the placement of the Canadian Football Hall of Fame and Museum Sign on the Regional Road Allowance on Main Street West.
- (b) That the Mayor and City Clerk be authorized to execute an encroachment agreement satisfactory to the City Solicitor.
20. (a) That the account of Martin & Martin, Barristers and Solicitors, in the sum of \$4 693.40 for services rendered from 1989 April 1 to the end of 1989 on behalf of the City of Hamilton in connection with the Hamilton Eaton Centre Project be approved for payment.
- (b) That this amount be financed from Account No. RF59027 25202, Reserve for Property Purchases.
21. (a) That the following updated Terms of Reference for the Keep Hamilton Clean Committee, be approved:

In addition to any other duties prescribed by City Council, the duties and responsibilities of the Keep Hamilton Clean Committee shall be as follows:

- (i) To report and/or recommend to the appropriate Standing Committee(s) of City Council on matters with respect to littering, dumping, defacing property by means of illegal postings, graffiti, etc. and generally on keeping Hamilton clean.
- (ii) To report to the Finance and Administration Committee on all other matters.
- (iii) The Committee shall be composed of at least one member of City Council and nine citizens appointed by City Council on the recommendation of the Finance and Administration Committee.

- (iv) The terms of the Committee members shall be staggered such that three citizens are appointed annually.
- (v) The Committee shall be a policy formulating and deliberating body with authority only to recommend; with the exceptions of specific areas or programs delegated to the Committee or approved by City Council.
- (vi) The Committee shall annually elect from within its membership a Chairperson and Vice Chairperson; neither of who shall serve in this capacity for longer than two City Council terms.

- (b) That the Keep Hamilton Clean Committee be the central committee responsible for organizing and co-ordinating the "PITCH-IN Week" activities during a week in May each year.

- 22.
- (a) That the 1990 Road and Sidewalk Capital Reconstruction Program attached hereto as Schedule "A" in the amount of \$8 800 000., be approved on the understanding that the net cost to the City after application of the Roadway Subsidy will not exceed \$4 000 000. (of the estimated \$5 500 000. City's share) and that this net cost be financed by the 1990 Capital Levy.
 - (b) That the proposed widening from 7.3 m to 8.5 m of Holly Avenue, from Beach Road to McAnulty Boulevard, be advertised under Section 301 of The Municipal Act and the necessary alteration By-law be prepared by the City Solicitor and the City Clerk.
 - (c) That the Commissioner of Engineering be authorized to undertake the works on behalf of the City of Hamilton once all necessary approvals have been received.

NOTE: This Capital Project was approved by the Transport and Environment Committee at its meeting on 1990 January 22.

This project is included in the provisional 1990 - 1994 Capital Budget and is being recommended for approval at this time prior to approval of the 1990 Capital Budget in order to allow the Regional Engineering Department to proceed on the City's behalf with the preliminary work necessary for the calling of tenders as soon as possible.

The Commissioner of Engineering will be developing a Supplementary List of projects for consideration by the Transport and Environment Committee and City Council.

Depending on the 1990 tender prices, projects listed in the Supplementary List may be constructed in 1990 or will have to be rescheduled in the coming year.

23. (a) That the construction of a concrete sidewalk on the south side of Barton Street from Kenora Avenue to Centennial Parkway be proceeded with as a local improvement pursuant to Section 12 of The Local Improvement Act, at an estimated gross cost of \$64 000. as provided for in the 1989 portion of the 1989 - 1993 Capital Budget as Project No. 39000 - City's share (\$33 377.60) and Project No. 89000 - Owner's share (\$30 622.40).
- (b) That the City Solicitor be authorized to make application to the Ontario Municipal Board for approval to finance the project at an estimated cost of owner's share of \$30 622.40, as well as a City's share of \$33 377.60, by the issuance of debentures totalling \$64 000. for a period not to exceed 20 years and further, that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the total amount of \$64 000. for a term not to exceed 20 years for this project.
- (c) That the City Clerk and Treasurer be directed to give the necessary notice of the Council's intention to undertake these works.
- (d) That Section 3 of the THIRTEENTH Report of the Co-ordinating Committed adopted by City Council on 1989 July 25, be rescinded.

NOTE: This project which is included in the 1989 - 1993 Capital Budget was approved by the Transport and Environment Committee at its meeting on 1990 January 22.

This project which was originally approved by City Council 1989 July 25 provided for the construction of concrete sidewalks on both the north and south sides of Barton Street. A sufficiently signed petition against the work on the north side of Barton Street was received therefore necessitating a revision to the original Council approval.

24. (a) That the procedure for the hiring of Department Heads be amended to replace all references to the "Co-ordinating Committee" and the "Personnel Committee" with the "Finance and Administration Committee".
- (b) That the procedure for hiring of Department Heads be amended to include a provision to hold a special meeting of the Finance and Administration Committee within one hour prior to a City Council meeting. The purpose of such special meeting will be to present the recommendation of the Selection Committee to the Finance and Administration Committee. All Council members are to be invited to such meetings as observers.
25. That the Summary Report attached hereto as Appendix "B" containing a listing and amounts of approved Settlement of Claims, be received.

26. That the request of the Hamilton Mundialization Committee for permission to use the Council Chambers and the rotunda area outside the Council Chambers on Sunday, 1990 February 4 for their Annual Interfaith Meeting, be approved.
27. That the request of the Executive Committee of the 18th Western Mardi Gras Convention and International Mardi Gras Festival for permission to use the Council Chambers on Saturday, 1990 February 3 at 10:00 a.m. for the purpose of holding a mock Regional Council session to officially commence the Mardi Gras celebrations being held within the Regional Municipality of Hamilton-Wentworth, be approved.
28. That the request of the Hamilton Region Conservation Authority for permission to display a 14-piece photography exhibition entitled "Conservation Images" in the City Hall foyer area during the month of May 1990, be approved.
29. That approval be given to the request of the Local Architectural Conservation Advisory Committee to use:
 - (a) The Council Chambers on Monday, 1990 February 19 from 11:30 o'clock a.m. to 1:30 o'clock p.m. for the purpose of conducting a proclamation ceremony for Heritage Week to be held from 1990 February 19 to 1990 February 25.
 - (b) The second floor foyer from 1990 February 16 to 1990 February 23 for the purpose of displaying heritage exhibits for Heritage Week 1990.
30. That the City of Hamilton accept the Offer to Settle made by Bell Canada in the amount of \$135 000. and \$15 000. for costs in connection with a motor vehicle accident that occurred on 1981 December 17 between a vehicle driven by Robert Duckworth, an employee of the City of Hamilton and William Oddie, an employee of Bell Canada.
31. That the claim for damages of Ms. Airth as a result of a slip and fall accident on a municipal sidewalk, be settled in the amount of \$10 000. inclusive of interest and costs.
32. That the City of Hamilton accept the sum of \$43 500., plus assessed costs, in full settlement of the claim of Mr. Orr, City employee against Mr. Patterson in connection with a motor vehicle accident in which the City employee was struck by a vehicle exiting a parking space, while the City employee was in the course of preparing a parking ticket for that vehicle.

33. That the City make an Offer to Settle District Court Action No. 3317/86 Re: Paulo Lofaro and Giovanna Lofaro vs The Corporation of the City of Hamilton in the following terms.
- (a) That if the Offer to Settle is accepted by the Plaintiff on or before 5:00 o'clock p.m., e.s.t., 1990 February 8, the City pay to the Plaintiff the sum of \$25 000., inclusive of interest and costs.
 - (b) That if the Offer to Settle is accepted after 5:00 p.m., e.s.t., 1990 February 8, the City pay to the Plaintiff the sum of \$20 468.75, inclusive of interest and costs.
 - (c) That the Plaintiff provide the City of Hamilton with a Full and Final Release in a form satisfactory to the City Solicitor.
 - (d) That thereafter the action be dismissed without costs.
 - (e) That the Offer to Settle remain open for acceptance until withdrawn or until the commencement of trial, whichever first occurs.
34. That payment of the account of Weir & Foulds, Davis, Webb, Barristers and Solicitors dated 1989 November 16 in the amount of \$11 272.90, be approved.
35. That the City of Hamilton pay the sum of \$13 862.57 to Mackesy, Smye, Turnbull, Grilli and Jones, Barristers and Solicitors in payment of their account dated 1989 December 21 regarding an Ontario Municipal Board Appeal by 645737 Ontario Limited related to 986 - 988 Upper Wentworth Street, in the City of Hamilton.
36. That the following resolution from the Corporation of the Borough of East York respecting a Termite Control Programme, be endorsed:
- WHEREAS the Ministry of the Environment has announced that the provincial grant program for the control of termites will be discontinued, effective 1990 March 31;
- AND WHEREAS East York has one of the most extensive termite problems of all Ontario municipalities;
- AND WHEREAS homeowners will have to bear 100% of the treatment cost to control the spread of termites within the housing stock with the expected result that the termite infestation problem in East York will increase at a greater rate than in the past;
- AND WHEREAS the termination of the grant program and the new pesticide restrictions underscores the importance of research into alternate methods of termite control as is underway at the University of Toronto and supported by East York;

THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Borough of East York urgently request the Ministry of the Environment to review and withdraw the decision to terminate the funding of the Termite Control Program;

AND BE IT FURTHER RESOLVED THAT the Borough Clerk be directed to circulate copies of this resolution to affected area municipalities requesting their endorsement of this resolution for the continuance of the grant program.

37. That the request of Mr. Christopher C. Breen, Solicitor on behalf of his client Mr. Les Scanlon for permission to include the name "Hamilton" in the proposed incorporation of a corporation without share capital for "Olde Guard Historical Society of Hamilton", be approved.

38. (a) That a grant in the amount of \$5 000. be made to the Around the Bay Road Race Committee of Hamilton Sertoma Inc. to be used to assist in defraying expenses to be incurred in staging the 1990 Around the Bay Road Race on 1990 March 25.

(b) That this grant be financed from the 1990 Grant Budget Allocation.

39. That a donation in the amount of \$3 000. be made to the Romanian Relief Fund and that this expenditure be financed from the Unclassified Account.

40. That the Hamilton-Wentworth Regional Police Commission, in an effort to clarify the public record, provide Regional Council with a written public statement regarding its position on the Solicitor General's recommendations on the Claire Lewis Task Force Report.

NOTE: The above recommendation of the Mayor's Race Relations Committee was referred to the Finance and Administration Committee by City Council.

41. That leave be granted to introduce the following Bills:

(a) Bill A-1 A By-law to Authorize Increased Costs for the Construction of An Addition to the Terryberry Public Library

(b) Bill A-2 A By-law to Amend By-law No. 89-254 to Authorize Finance the Floodlighting of Three Ball Fields at Globe Park

(c) Bill A-3 A By-law to Authorize the Expansion of the Red Hill Library

(d) Bill A-4 A By-law to Authorize the Borrowing of \$8 000 000. to Finance Bank Overdrafts as and when they Arise from Current Expenditures

(e) Bill A-5 A By-law to Confirm the Proceedings of the Council of
the Corporation of the City of Hamilton.

Respectfully Submitted,

ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary
1990 January 25

mjw

SCHEDULE "A"

1. Reconstruction of Road and Sidewalk Capital Reconstruction Programme
 - (a) Kingsmount Street, Sanders to Glenmount
 - (b) Hollywood Street, Sanders to Glenmount
 - (c) Glenmount Avenue, Kingsmount to Leland
 - (d) East 16th Street, Brucedale to Fennell
 - (e) East 18th Street, Fennell to Vickers
 - (f) Franklin Road, Upper Sherman to 420 m westerly
 - (g) Holly Avenue, Bead to McAnulty
 - (h) Sunninghill Avenue, Upper Gage to Upper Ottawa
 - (i) Catharine Street, Barton to Cannon
 - (j) Dunn Avenue, Brampton to Leaside
 - (k) Edgewood Avenue, Upper Ottawa to High
 - (l) East 21st Street, Concession to Fennell
 - (m) East 25th Street, Crockett to Fennell
 - (n) East 22nd Street, Crockett to Fennell
 - (o) East 23rd Street, Crockett To Fennell
 - (p) East 37th Street, Brucedale to Mohawk
 - (q) Wellwood Avenue, Edgewood to Brucedale
2. Construction of sidewalks proposed to be undertaken by the City along sections of Regional Roads that are going to be rehabilitated in 1990 through the Regional Road Reconstruction Programme:
 - (a) Cannon Street, Victoria to Sherman
 - (b) John Street, young to St. Joseph's
 - (c) Kenilworth Avenue, Beach to Barton
 - (d) Main Street, King to Tuxedo
 - (e) Main Street, Paradise to James
 - (f) Barton Street, Ferguson to Wellington
 - (g) Wilson Street, James to Sanford
 - (h) Fennell Avenue, Upper Gage to Upper Ottawa
3. Sidewalks on local streets proposed for reconstruction due to their deteriorated condition or in conjunction with area improvements. Projects proposed in this category are as follows:
 - (a) Erindale Avenue, Montrose to Greenhill
 - (b) Weir Street, Central to South end
 - (c) Tuxedo Avenue, Central to Monterey
 - (d) Stinson Avenue, Victoria to West

FINANCE COMMITTEE

SUMMARY OF APPROVED SETTLEMENT OF CLAIMS

<u>PLAINTIFF</u>	<u>DEPENDANT</u>	<u>NATURE OF CLAIM</u>	<u>AMOUNT OF SETTLEMENT</u>
Maria Pinto and Rosina Difranco	City of Hamilton	Trip and Fall 1987 October 14	\$ 2 500.00
Eduardo Loforte	City of Hamilton	Slip and Fall 1987 July 18	\$ 1 500.00
Mr. Ricci	City of Hamilton	Fall 1984 February 28	\$ 3 750.00
Glavicic	City of Hamilton	Motor Vehicle Accident 1987 September 18	\$ 4 250.00
City of Hamilton and Mr. Michael Boyle	Mr. K. Devries	Motor Vehicle Accident 1987 June 1	\$ 4 563.01

Schedule "B" as referred to in
Section 25 of the SECOND Report
of the Finance and Administration
Committee

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its FIRST Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Altruck Transportation Services, Hamilton, in the amount of \$51 985.80 for the supply and delivery of One (1) 24,500-25,000 lb. GVW Chassis with Stake Dump and Crane, Unit #9267, for Central Garage, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of three (3) tenders received. Funds provided in Reserve for Replacement of Mobile Equipment Account No. CH5X503 00101.

2. That a purchase order be issued to Snap-on Tools, Caledonia, in the amount of \$10 569.52, for the replacement of hand tools stolen from the Chedoke Workshop.

NOTE: Inasmuch as these tools were required immediately, the above was processed through the emergency procedures of the City of Hamilton Purchasing Policy and is being submitted at this time for formal Council approval.

Funds provided in Reserve for Uninsured Losses Account No. CH5X90300117.

3. That a purchase order be issued to Dufferin Concrete Products, Hamilton, for the supply and delivery of Concrete as and when required during 1990 and 1991 by the Public Works Department in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, as follows:

<u>Dufferin Concrete Products, Hamilton</u>	<u>1990</u>	<u>1991</u>
2% Calcium Chloride	\$ 2.00/m ³	\$ 2.00/m ³
Heat	\$ 7.00/m ³	\$ 7.00/m ³
Sidewalk, Curb, Roadway Concrete Delivered	\$102.20/m ³	\$106.20/m ³
Sidewalk, Curb, Roadway Concrete Picked up	\$ 96.20/m ³	\$100.20/m ³
Unshrinkable Fill-Delivered	\$ 57.25/m ³	\$ 61.25/m ³
-Picked up	\$ 52.25/m ³	\$ 56.25/m ³

After 5:00 p.m. and before 9:00 p.m. add \$ 8.00/m³
 After 9:00 p.m. and before 7:00 a.m. add \$16.00/m³
 Underload charges 1 m³ - \$120.00
 2 m³ - \$ 80.00
 3 m³ - \$ 50.00
 4 m³ - \$ 30.00

NOTE: Lowest of five (5) tenders received. Funds provided in Stock Inventory Account No. CH56197 60999.

4. That purchase orders be issued for the supply and delivery of Sign Blanks for the Traffic Department in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

(a) Acme Signs (Ontario) Inc., Rexdale

In the amount of \$76 311.28

(b) Mechanical Advertising Inc., Oshawa

In the amount of \$66 260.08

Provincial sales tax extra at 8%

NOTE: Lowest of two (2) tenders received. Funds provided in Traffic Sign Materials Account No. 56154 75999.

5. That purchase orders be issued for the supply and delivery of Aggregates for the Public Works Department as and when required during 1990 and 1991, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

(a) <u>Cayuga Materials, Cayuga</u>	<u>1990</u>	<u>1991</u>
Granular 'A', 9.5mm Screenings,		
19mm & 53mm Crusher Run	\$ 7.61	
(b) <u>Steetley Lime & Aggregates, Dundas</u>		
19mm and 53mm Clear	\$ 9.25	\$ 9.85
9.5mm and 6.4mm Chips Washed	9.50	10.10
75 - 200mm Gabion Stone	13.89	14.29
Granular 'A', 19mm & 53mm Crusher Run		8.65
9.5mm Screenings		8.40
(c) <u>TCG Materials, Cambridge</u>		
19mm Crusher Run		8.65

NOTE: Sufficient funds have been provided in various Stock Inventory Accounts. Vendors were selected on the basis of lowest bidder for each product. Any applicable taxes extra.

6. That purchase orders be issued for the supply and delivery of Asphalt for the Public Works Department as and when required during 1990 in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

- (a) Cayuga Materials, Cayuga
 - Stone Filled Sheet Asphalt Surface Course HM3 - \$45.25
 - Asphalt Binder Course HM5 - 40.02
 - Liquid Asphalt Cement - 1.35 litre
- (b) Red-D-Mix Concrete, Hamilton
 - Steel Slag Asphalt - \$50.22 Mar.1-Apr.15
 - Stone Filled Sheet Asphalt Surface Course HM3 - 45.36
 - Asphalt Binder Course HM5 - 39.69
 - Hot Liquid Asphalt for winter patching - 1.30 litre
 - Liquid Asphalt Cement - 1.20 litre
 - Cold Laid Patching Material - 62.65
 - QPR 2000 Cold Lay Asphalt - 112.00 picked up
113.40 delivered
- (c) Taro Aggregates, Hamilton
 - Asphalt Binder Course HM5 (Limestone) - \$42.07
- (d) Norjohn Limited, Thorold
 - Cationic Asphalt Emulsions CRS2 delivered - \$ 0.3028 litre
- (e) Permaquik Asphalt Tech Corp., Mississauga
 - Crack Sealing Material - 775.00 tonne

NOTE: Sufficient funds have been provided in various Stock Inventory Accounts.

7. (a) That a purchase order be issued to Form and Build Supply Inc., Kitchener, in the amount of \$28 440.20 for the supply and delivery of Steel Forms for Sidewalks, Public Works Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's Tender.

NOTE: Inasmuch as these forms were required immediately, the above was processed through the emergency procedures of the City of Hamilton Purchasing Policy, and is being submitted at this time for formal Council approval.

Only tender received. Funds provided in Combined Walk & Curb, Sidewalk Special Projects Accounts CH56103 60144, CH56103 60142 and CH56103 60132.

8. That with respect to the land municipally known as part of 1477 Upper James Street, expropriated on September 25th, 1989 for municipal and highway purposes pursuant to Expropriation By-law 89-223 enacted on August 29th, 1989, the City Clerk be authorized and directed to:

(a) Sign and serve Notice in accordance with Section 41 of The Expropriation Act that possession of the expropriated land is required.

(b) Sign and serve Offers of Compensation in accordance with Section 25 of The Expropriations Act for the expropriated land as follows:

\$525 000.00	Former Owner:	Albert Boxinbaum, in trust
	Mortgagee:	National Trust Company Limited
\$ 1.00	Tenants:	Germaine Poliquin

9. That with respect to the vacant land expropriated on September 26th, 1989 for roadway and municipal purposes pursuant to Expropriation By-law 89-191 enacted on June 27th, 1989, the City Clerk be authorized and directed to:

(a) Sign and serve Notice in accordance with Section 41 of The Expropriation Act that possession of the expropriated land is required;

(b) Sign and serve Offers of Compensation in accordance with Section 25 of The Expropriations Act for the expropriated land as follows:

\$29 225.00	Former Owner:	S. Wise Construction Limited
\$ 1.00	Tenants:	Bruce Smith

10. That the Director of Property be authorized to negotiate the acquisition of a portion of land (part of Lot 16, Plan 823, comprising an area of approximately 2,310 square feet) from the owner of 144 Annabelle Street, which land is required for roadway purposes to implement the approved Gourley Neighbourhood Plan.

NOTE: The City will establish a 1' Reserve along the proposed roadway in order to recover its costs for land and services from the abutting developer.

The owner of the proposed subdivision, Mr. S. Aquino, has been unsuccessful in his attempts to acquire lands for roadway purposes from the owner of 144 Annabelle Street. The above recommendation is in accordance with the City's policy to assist developers to establish roadways to their subdivision and promote the development of land.

11. (a) That an Option to Purchase agreement dated November 30, 1989 duly executed by 839891 Ontario Inc. (Tony DiSilvestro) and scheduled to close on March 20, 1990 be approved and completed.
- (b) That the Vendor's Solicitor must prepare the necessary deeds and certify title to the City of Hamilton.
- (c) That upon completion of this transaction and the eventual establishment of Parts 11 and 12 (62R-10529) as Acadia Drive, the City will establish one foot reserves known as 18, 19, 20 and 21 - Plan 62R-10529 in order to recover the land servicing and construction costs of establishing Acadia Drive from the abutting lands.
- (d) That upon the registration of the Plan of Subdivision known as Aquino Gardens (File No. 25T88015) the City shall pass a by-law incorporating Parts 11 and 12 as a public road.

NOTE: The property is described as Parts 11, 12, 18, 19, 20, and 21 on Plan 62R-10529 and contains 426.73 metres squared (4,593.43 square feet) being rear land on Stone Church Road East.

The purchase prices is \$2 and is to be charged to Account No. CH 5X303 00107 - (Reserves for Services through unsubdivided land).

12. (a) That an Option to Purchase agreement dated November 26, 1989, duly executed by Fausto Carnicelli, In Trust and scheduled to close on March 20, 1990, be approved and completed.
- (b) That the Vendor's Solicitor must prepare the necessary deeds and certify title to the City of Hamilton.
- (c) That upon completion of this transaction and the eventual establishment of Parts 4, 5 and 6, Plan 62R-10529 as Acadia Drive and Butler Drive, the City will establish one foot reserves known as Part 2, 3, 7, 8, and 9, Plan 62R-10529 in order to recover the land, servicing and construction costs of establishing Acadia Drive and Butler Drive from the abutting lands.

- (d) That upon the registration of the Plan of Subdivision known as Aquino Gardens (File No.25T88015), the City shall pass a by-law incorporating Parts 4, 5 and 6 as a public road.
- (e) The Purchaser acknowledges and agrees that the Vendor does not have registered title to the lands known as Part 2-9 inclusive on Plan 62R-10529, but is the Purchaser under an Agreement of Purchase and Sale dated October 7, 1989 with the William James Welsh Estate and an Agreement of Purchase and Sale dated October 23, 1989 with Jeanette Little and James Little.

The Purchaser further acknowledges and agrees that the Vendor herein will assign his interest in Parts 2-9 inclusive on Plan 62R-10529 to the Corporation of the City of Hamilton and direct the present owners of the lands described as Part 2-9 inclusive on Plan 62R-10529 to transfer title directly to the Corporation of the City of Hamilton.

Accordingly, this transaction shall be conditional upon the Vendor or the City successfully completing the transaction in accordance with the purchase agreements.

- (f) Upon completion of the above mentioned transaction, the City Solicitor shall be authorized to terminate the expropriation previously commenced.

NOTE: The property is described as Parts 2-9, Plan 62R-10529 being part of 564 and 570 Stone Church Road East and contains 1,271.29 square metres (13,648.49 square feet).

The purchase price is \$2 and is to be charged to Account No. CH5X303 00107 (Reserve for Services through unsubdivided land).

The subject lands are currently under expropriation by the City from the Welsh Estate and Little Family.

During the long process of expropriation, the developers of the adjoining subdivision Aquino Gardens, successfully negotiated a settlement to acquire the subject lands from Welsh and Little. They are assigning their interest in their agreement to the City.

Upon completion of these two transactions, the City can terminate the expropriations already in process.

- 13. (a) That an Option to Purchase Agreement dated December 19, 1989 executed by 839891 Ontario Inc. (Tony DiSilvestro) and scheduled for closing on April 10, 1990, be approved and completed.

- (b) That the Vendor's Solicitor must prepare the necessary deeds and certify title to the City of Hamilton.
- (c) That upon completion of this transaction and the eventual establishment of Parts 2 and 14 as Acadia Drive, the City will establish one foot reserves known as 1, 3, 13 and 15 on draft reference plan S-7329 (Mackay, Mackay & Peters Ltd.) in order to recover the land servicing and construction costs of establishing Acadia Drive from the abutting lands.
- (d) That when full municipal services are provided to the subject lands, the City agrees to incorporate the lands by by-law as a public road.

NOTE: The property is described as rear land on Stone Church Road East, Parts 1, 2, 3, 13, 14, and 15 on draft reference Plan S-7329 (Mackay, Mackay & Peters Ltd.) and contains 2,179.71 square metres (23,462.20 square feet).

The purchase price is \$2 and is to be charged to Account No. CH 58303 00107 - (Reserve for Services through unsubdivided land).

- 14.
- (a) That an Option to Purchase Agreement dated December 19, 1989 executed by John Fortino and scheduled for closing on April 10, 1990, be approved and completed.
 - (b) That the Vendor's Solicitor must prepare the necessary deeds and certify title to the City of Hamilton.
 - (c) That upon completion of this transaction and the eventual establishment of Part 21 as Acadia Drive, the City will establish one foot reserves known as 20, 22 and 23 on draft reference plan S-7329 (Mackay, Mackay & Peters Ltd.) in order to recover the land servicing and construction costs of establishing Acadia Drive from the abutting lands.
 - (d) That when full municipal services are provided to the subject lands, the City agrees to incorporate the lands by by-law as a public road.

NOTE: The property is described as rear land on Stone Church Road East, Parts 20, 21, 22 and 23 on draft reference Plan S-7329 (Mackay, Mackay & Peters Ltd.) and contains 301.1 square metres (3,241 square feet).

The purchase price is \$2 and is to be charged to Account No. CH 58303 00107 - (Reserve for Services through unsubdivided land).

15. (a) That an Option to Purchase Agreement dated December 19, 1989 executed by Fausto Carnicelli, In Trust and scheduled for closing on April 10, 1990, be approved and completed.
- (b) That the Vendor's Solicitor must prepare the necessary deeds and certify title to the City of Hamilton.
- (c) That upon completion of this transaction and the eventual establishment of Parts 8, 11, and 19 as Acadia Drive, the City will establish one foot reserves known as 7, 9, 10, 12, and 18 on draft reference plan S-7329 (Mackay, Mackay & Peters Ltd.) in order to recover the land servicing and construction costs of establishing Acadia Drive from the abutting lands.
- (d) That when full municipal services are provided to the subject lands, the City agrees to incorporate the lands by by-law as a public road.
- (e) The closing of this transaction is conditional upon the Vendor obtaining title to Parts 7,8, 9, 10, 11 and 12, Plan S-7329.

NOTE: The property is described as rear land on Stone Church Road East, Parts 7, 8, 9, 10, 11, 12, 18 and 19 on draft reference Plan S-7329 (Mackay, Mackay & Peters Ltd.) and contains 1,313.96 square metres (14,143.33 square feet).

The purchase price is \$2 and is to be charged to Account No. CH 58303 00107 - (Reserve for Services through unsubdivided land).

16. That the City Solicitor be authorized and directed to prepare a By-law to incorporate certain City lands into various Streets, etc. as described in Schedule "A", appended hereto, to be approved during the pleasure of Council.
17. (a) That the City of Hamilton transfer to the City of Stoney Creek that portion of the proposed Donn Avenue north of Queenston Road within the limits of Stoney Creek, being Parts 5 & 6 on Plan 62R-8380.
- (b) That the City of Stoney Creek be requested to pass a by-law to establish that portion of Donn Avenue north of Queenston Road within the limits of the City of Stoney Creek, being Parts 5 and 6 on Plan 62R-8380.
- (c) That the City of Hamilton be responsible for all costs associated with the construction and maintenance of that portion of Donn Avenue in the City of Stoney Creek.

- (d) That the City of Hamilton enter into an agreement with the City of Stoney Creek to the satisfaction of the City Solicitor regarding the construction, maintenance and indemnification requirements with respect to the portion of Donn Avenue in the City of Stoney Creek.

NOTE: The construction of Donn Avenue will provide access to Queenston Road for residents in the Riverdale East Neighbourhood.

18. That the Modified Subdivision Agreement, dated 89 January 10, between the City of Hamilton and Wellington Chase Inc. for lands on the east side of Wellington Street be amended by the addition of Schedule G1 providing for the acceptance of the existing services on Perthshire Court and completing the services.

NOTE: The proposed subdivision adds one Court, named Perthshire Court, to the City's street system over and above the items covered by the previous agreement.

19. (a) That the following changes be made in the maximum charges per metre of frontage relative to the 1990 Local Improvement Charges:

	<u>From</u>	<u>To</u>
i. Curb Only	\$ 64.00	\$ 67.00
ii. Sidewalks Only	\$ 80.00	\$ 84.00
iii. Sidewalks and Independent Curbs or Combined Sidewalks and Curbs	\$131.00	\$137.00
iv. Roadway Only	\$221.00	\$231.00
v. Alleys	\$ 86.00	\$ 90.00
vi. Roadway and Curbs Only (Industrial Subdivisions)	\$300.00	\$314.00

- (b) That the City Solicitor be authorized and directed to amend the Local Improvement By-law.

NOTE: The present local improvement rates were established by Council on January 31, 1989. The proposed 1990 rates reflect the increase in construction costs since the last rates were approved and also include a 4.5% allowance for inflation.

The new rates are intended for application to projects proposed to be carried out in 1990. The charge to the abutting owners will be the actual cost of the works or the maximum rate recommended by this report, whichever is less.

20. (a) That the submitted schedules for the estimated cost of services in Aquino Gardens - Phase 1, and Templemead No. 2 Survey - Phase 8, be adopted for inclusion in the respective Subdivision Agreements with the owners.
- (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements between the City and the respective owners.
- (c) That the approval of the above clauses be subject to the condition that no work be commenced until the Final Survey Plan and Subdivision Agreement have been registered.
- (d) That in the event the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he be permitted to do so at his own risk, providing that he enters into a Standard Agreement for Pre-servicing.
- (e) That the additional funding for Clerico Court, Hamilton be approved.
- (f) That the City's share of the cost of services for these developments (\$166 430.21) be approved, and that the Finance and Administration Committee recommend the source of funding for these projects.

THE FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS
THAT THE CITY'S SHARE OF SERVICES IN THE GROSS AMOUNT
OF \$166 430.21 BE FINANCED FROM THE RESERVE FOR CITY'S
SHARE OF SERVICES THROUGH UNSUBDIVIDED LANDS.

- (g) That the City subdivision agreements for "Aquino Gardens - Phase 1" and "Templemead No. 2 Survey - Phase 8", include the necessary provisions which would require the Developer to establish Maintenance Easements in all locations as required by the Zoning By-law and Council Policy.
- (h) That the City accept title to those lands required for the southerly extension of Butler Drive, from the Roman Catholic Separate School Board. This land (described as Part 1 on a Plan numbered Y-21431 as prepared by J. David Peters, O.L.S.) is to be transferred to the City of Hamilton by its owner and the owner's solicitor is to prepare the necessary Deed and certify Title to the City.
- (i) That the City Solicitor be authorized and directed to prepare the necessary By-law(s) to establish Part 1, as shown on a Plan numbered Y-21431, as prepared by J. David Peters, O.L.S., as part of the Butler Drive road allowance following the transfer of the lands to the City.

(j) That the City accept title to those lands and the 0.3 metre reserves required for the extension of Acadia Drive, from the owner, 839891 Ontario Inc. This land (described as Parts 11, 12, 18, 19, 20 and 21 on Reference Plan 62R-10529, is to be transferred to the City of Hamilton by its owner and the owner's solicitor is to prepare the necessary Deed(s) and certify Title to the City.

(k) That the City Solicitor be authorized and directed to prepare the necessary By-law(s) to establish Parts 11 and 12, Reference Plan 62R-10529, as part of the Acadia Drive road allowance following the transfer of the lands to the City.

NOTE: Parts 18, 19, 20 and 21, Reference Plan 62R-10529 will be retained by the City as 0.3 metre reserves.

(l) That the City Solicitor be authorized and directed to prepare the necessary By-law(s) to establish Part 1, Reference Plan 62R-8101, as part of the Acadia Drive road allowance.

(m) That the City accept title to those lands and the 0.3 metre reserves required for the northerly extension of Butler Drive, the east-west extension of Butler Drive, the east-west extension of Acadia Drive from the owner. This land (described as Parts 2 to 9 (inclusive) on Reference Plan 62R-10529, is to be transferred to the City of Hamilton by its owner and the owner's solicitor is to prepare the necessary Deed(s) and certify Title to the City.

(n) That the City Solicitor be authorized and directed to prepare the necessary By-law(s) to establish Parts 4, 5 and 6, Reference Plan 62R-10529, as part of the Acadia Drive Road Allowance and Butler Drive road allowance following the transfer of the lands to the City.

NOTE: Parts 2, 3, 7, 8 and 9, Reference Plan 62R-10529 will be retained by the City as 0.3 metre reserves.

(o) That the City Solicitor be authorized and directed to prepare the necessary By-law(s) to establish Part 9, Reference Plan 62R-10568, as part of the Butler Drive road allowance.

(p) That the Director of Property be authorized and directed to acquire Part 13, Reference Plan 62R-10568 and that the City Solicitor be authorized and directed to prepare the necessary By-law(s) to establish Part 13, Plan 62R-10568 and part of the Butler Drive road allowance following the transfer of the lands to the City.

(q) That if the owner of "Aquino Gardens - Phase 1" wishes to proceed with the construction of services east of the Hydro right-of-way prior to the establishment of both Acadia Drive and Butler Drive as public road allowances, he may do so at his own risk.

- (r) That the City Solicitor be authorized and directed to prepare the necessary (By-law(s) to incorporate the remainder of the 0.3 metre reserves owned by the City at the west end of Butler Drive, into the Butler Drive road allowance after the plan of subdivision for "Aquino Gardens - Phase 1" has been registered.
21. (a) That the existing 1989 Charges per metric tonne of overload be maintained for 1990 as follows:
- | <u>Type of vehicle</u> | <u>1989 charge</u> | <u>% Increase</u> | <u>1990 charge</u> |
|------------------------|--------------------|-------------------|--------------------|
| Tractor Trailer | \$116.00 | 4.5% | \$121.00 |
| Single Unit Truck | \$196.00 | 4.5% | \$202.00 |
- (b) That the above fees be reviewed each year.
22. (a) That in accordance with By-law 89-72, Stelco Steel be given an Annual Overload Permit for the year 1990 for fifteen (15) tractor-trailers for a total fee of \$5 445; and
- (b) That 20% or \$1 089 be credited to City Account No. 44049-52006 (Overload Permit Fees) and that 80% or \$4 356 be credited to Regional Account No. 46025-301300.
23. (a) That in accordance with By-law 89-72, K's Transport Inc. be given an Annual Overload Permit for the year 1990 for nine (9) tractor-trailers for a total fee of \$11 217; and
- (b) That 11%, or \$1 234, be credited to City Account No. 44049-52006 (Overload Permit Fees), and that 89%, or \$9 983, be credited to Regional Account No. 46025-310300.
24. That the application for Inadvertent Encroachment Agreements as outlined on Schedule "B", appended hereto, be approved during the pleasure of Council provided:
- (a) That the owners enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
- (b) That the Mayor, and City Clerk be authorized to sign and execute all necessary documents to implement these agreements.

- (c) That a first year fee and a subsequent annual fee as determined in schedule "B" be set for this privilege.
- (d) That the encroachment at 208 Sherman Avenue North, granted by Council on November 14, 1989, in adopting Item 4 of the 18th report of the Committee, be rescinded.

NOTE: The previous approval with respect to 208 Sherman Avenue did not include a concrete stoop which has been included in this application.

- 25. That City Traffic By-law 89-72 be amended to provide for the following;
 - (a) That three-way stop control be implemented at the intersection of Royal Vista Drive and Eaglewood Drive; and
 - (b) That eastbound traffic on Presido Drive be required to stop for northbound and southbound traffic on Eaglewood; and
 - (c) That northbound traffic on Millen Avenue be required to stop for eastbound and westbound traffic on Empress Avenue; and
 - (d) That southbound traffic on Rosewell Avenue be required to stop for eastbound and westbound traffic on Robson Crescent; and
 - (e) That eastbound traffic on Goldengate Avenue be required to stop for northbound and southbound traffic on Templemead Drive; and
 - (f) That westbound traffic on the north and south legs of Loyalist Drive be required to stop for northbound and southbound traffic on Glen Echo Drive; and
 - (g) That northbound and southbound traffic on Glenhaven Court/Glenhaven Drive be required to stop for eastbound and westbound traffic on Greenshire Drive; and
 - (h) That a stop sign be erected to control eastbound traffic on Desantis Court at Charing Drive; and
 - (i) That a stop sign be erected to control southbound traffic on Sloan Avenue at Indian Crescent; and
- 26. That City Traffic By-law 89-72 be amended to provide for the following;
 - (a) i. That the existing alternate side parking regulation on Agnes Street between Argyle Avenue and Campbell Avenue be removed; and

- ii. That parking be prohibited on the east side of Agnes Street between Argyle and Campbell Avenue; and
- (b) That, in combination with the existing "Alternate Side Parking" regulation, a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on both sides of Mahoney Avenue between Parkdale Avenue North and Adeline Avenue; and
- (c) That a "No Parking, 9:00 a.m. - 5:00 p.m., Monday - Friday" regulation be implemented on the east side of Undercliffe Avenue between Aberdeen Avenue and Inglewood Drive; and
- (d)
 - i. That the existing alternate side parking regulation on Mars Avenue between Emerald Street North and Wentworth Street North be removed; and
 - ii. That parking be prohibited at all times on the north side and allowed at all times on the south side of Mars Avenue between Emerald Street North and Wentworth Street North; and
- (e) That parking be prohibited on the east side of Tyne Place from end to end; and
- (f) That parking be prohibited on the north side of Sunninghill Avenue between Rendell Boulevard and Upper Ottawa Street; and
- (g) That parking be prohibited between 10:00 a.m. and 2:00 p.m., Monday to Friday, on the west side of East 35th Street between Concession Street and the northerly limit; and
- (h) That a "No Parking, 9:00 a.m. - 4:00 p.m., Monday - Friday" regulation be implemented on the north side of Inglewood Drive between Bay Street South and Undercliffe Avenue; and
- (i) That a "One Hour Parking Time Limit, 7:00 a.m. to 4:00 p.m., Monday to Friday" regulation be implemented on both sides of East 32nd Street between Crockett and Munn Streets in combination with the existing "Alternate Side Parking" regulation.
- (j) That a three hour Time Limit 9:00 a.m. to 5:00 p.m., Monday to Friday regulation be implemented on the east side of Margaret Street from King to Main Streets.

27. That the application by 217394 Ontario Inc. (McIntyre Electric Ltd.), 232 Caroline Street South, to lease a portion of the boulevard of Caroline Street South be approved, provided that:
- (a) The applicant pays the annual fee in accordance with the fee structure approved by the City Council on 1986 March 25 (current rate is \$100 per year) plus taxes, if any, in addition to the \$10 encroachment insurance charge approved by the City Council on 1984 February 14.
 - (b) The owner pays a one time \$25 registration fee, as approved by the City Council on 1986 January 14.
 - (c) The owner pays a one time \$150 processing fee, as approved by the City Council on 1988 January 12.
 - (d) The owner complies with the requirements as set out in the policy approved by the City Council on 1975 June 24, respecting using a portion of the road allowance for parking purposes.
 - (e) The parking area and other structures, as approved by the Director of Traffic Services, be constructed and maintained at the owner's expense.
 - (f) The owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.
28. (a) That the existing residential boulevard parking agreement between the City and Frank Murphy, registered as Instrument No. 289893 C.D. to the property at No. 132 Young Street be discharged, at the property owners expense; and
- (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement; and
 - (c) That the City Treasurer be directed to revise the billing records accordingly.
29. (a) That the existing "No Stopping, Wheelchair Loading Only" regulation on the east side of Ferguson Avenue commencing at a point 102 feet north of King William Street and extending to a point 47 feet northerly therefrom be relocated such that it commences at a point 53 feet north of King William Street and extends to a point 49 feet northerly therefrom; and
- (b) That City Traffic By-law 89-72 be amended accordingly.

30. (a) That a "No Stopping, Wheelchair Loading Only, 24 hours a day, 7 days a week" regulation be implemented on the north side of Homewood Avenue commencing at a point 350 feet east of Dundurn Street South and extending to a point 43 feet easterly therefrom; and
- (b) That City Traffic By-law 89-72 be amended accordingly.
31. (a) That a "Permit Parking" regulation be implemented on the east side of Tiffany Street commencing 273 feet north of Barton Street West and extending to a point 24 feet northerly therefrom; and
- (b) That the Director of Traffic Services be authorized to issue one parking permit to Mrs. B. Falletta, 28 Tiffany Street; and
- (c) That City Traffic By-law 89-72 be amended accordingly.
32. (a) That a "Permit Parking" regulation be implemented on the south side of Herkimer Street commencing at a point 643 feet west of Locke Street South and extending to a point 23 feet westerly therefrom; and
- (b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Stan Thompson, 337 Herkimer Street; and
- (c) That City Traffic By-law 89-72 be amended accordingly.
33. (a) That parking be prohibited on the north side of Mackenzie Road between East 27th Street and a point 135 feet easterly therefrom; and
- (b) That City Traffic By-law 89-72 be amended accordingly.
34. (a) That northbound motorists in the east curb lane of Locke Street South be required to turn right onto Main Street West; and
- (b) That City Traffic By-law 89-72 be amended accordingly.
35. (a) That a School Bus Loading Zone be implemented on the east side of Macklin Street, commencing at a point 442 feet north of Dufferin Street and extending to a point 280 feet northerly therefrom; and
- (b) That a School Bus Loading Zone be implemented on the east side of Macklin commencing at a point 805 feet north of Dufferin and extending to a point 160 feet northerly therefrom; and

- (c) That City Traffic By-law 89-72 be amended accordingly.
36. That the Director of Traffic Services be authorized to issue, upon request one time limit exemption permit to Mr. Dave Maida, 90 Duke Street, Apt. #1708.
37. (a) That the five 30 minute meters on MacNab Street North between Cannon Street and Vine Street be increased to a one hour duration; and
- (b) That City Traffic By-law 89-72 be amended accordingly.
38. (a) That the limits of the northbound one-way operation of Breadalbane Street between King Street West and Hunt Street be revised such that the one-way operation extends from Hunt Street to a point 164 feet south; and
- (b) That the hours of the northbound one-way operation be revised from full-time to between the hours of 4:00 p.m. and 6:00 p.m., Monday to Friday only; and
- (c) That City Traffic By-law 89-72 be amended accordingly.
39. That the Chairman or his designate be authorized to attend the Ontario Traffic Conference on May 6-9, 1990 in Cornwall, Ontario.
40. That the Hamilton Civic Hospital's Board of Directors be requested to undertake a review of the parking requirements for the employees and visitors of the Hamilton Henderson Hospital on Concession Street with a view to providing adequate parking facilities so as to reduce the excessive parking on residential streets in the area of the Hospital.
41. That leave be granted to introduce the following Bills:
- (a) B-1 By-law to Incorporate Block 44, Plan 62M-614 into Ossington Drive
- (b) B-2 By-law to Incorporate Block 45, Plan 62M-614 into Broughton Drive
- (c) B-3 By-law to close and to authorize the sale of Raeburn Road, designated as Parts 22, 23, 24 and 25, Plan 62R-8933
- (d) B-4 By-law to Incorporate Part 2, Plan 62R-9553 into Rita Avenue

- (e) B-5 By-law to Incorporate Part 20, Plan 62R-6257 into Quaker Crescent
- (f) B-6 By-law to Incorporate Part 19, Plan 62R-6257 into Queen Victoria Drive
- (g) B-7 By-law to Incorporate Block 80, Plan 62M-628 into Republic Avenue
- (h) B-8 By-law to close and to authorize the sale of the public Walkway, from Upper James Street to Allison Crescent, Part 1, Plan 62R-5020
- (i) B-9 By-law to establish and open the Alley North of King Street East from Wellington Street easterly to west limit of the first north/south Alley designated as Part 1, Plan 62R-10875
- (j) B-10 By-law to Amend By-law No. 89-72 To Regulate Traffic
- (k) B-11 By-law to Amend By-law No. 89-72 To Regulate Traffic.

RESPECTFULLY SUBMITTED,

J. J. Schatz,
Acting Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1990 January 22

/lp

SCHEDULE "A"

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason For being Incorporated</u>	<u>File No.</u>
Rockview Avenue	Block 42, Plan 62M-495	NIL	To connect and provide access between plans 62M-495 & 62M-632	S701-39 S701-61
Rexford Drive	Block 56 Plan 62M-384	NIL	To connect and provide access to Plan 62M-384 & Part 6 Plan 62R-10808 (also to be est'd by By-Law see paragraph below)	S718-15
Rexford Drive	Parts 4 and 6 Plan 62R-10808	NIL	To connect & provide access between plans 62M-384 and 62R-583	S718-15 S708-53
Atherley Drive	Part 2 Plan 62R-10808	NIL	To connect & provide access between Upper Sherman and Rexford Drive & Plan 62M-583	S708-53

SCHEDULE "A"

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason For being Incorporated</u>	<u>File No.</u>
Firenze Street	Block "5", Plan M-224	Nil	To connect and provide access between Plans M-224 & 62M-348	S703-09 S701-27
Rexford Drive	Pt. Block "AX", Plan M-200 (being Part 6, Plan 62R-7170)	Nil	To provide access to Rexford Drive from lands at rear of #1296 Upper Gage Avenue	S718-06
Merrilee Crescent	Block 26, Plan 62M-562	Nil	To connect and provide access between Plans 62M-562 and 62M-574	S701-34 S701-35
Queen Victoria Drive	Parts 12 and 15, Plan 62R-6257	Nil	To provide access to and from the lands abutting to the east	S610-01
Balfour Drive	Block 28, Plan M-316	Nil	To provide access to and from the property known as "Chedoke" owned by the Ontario Heritage Foundation	S610-01 S610-03

SCHEDULE "B"

City Council Date: January 30, 1990.

<u>Address/Location</u>	<u>Type of Encroachment</u>	<u>Owner</u>	<u>Solicitor/Agent Address</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
25 Minto Avenue/ Bristol Street	Building 10.0' X 0.5' Steps 3.0' X 3.0'	Nicolas Vetro	Markowitz and Schipper Barristers and Solicitors 25 Watlina Avenue Suite 500 Mississauga, Ontario. L4Z 2Z1 Att: Mr. E. Roll	\$105.00 - \$20.00	T103-50(762)
71 Mayflower Avenue	Steps 1.22m X 0.88m	Mr. Angelo Sollazzo Mrs. Christina Sollazzo	Murray R. Mazza Barristers and Solicitors Suite 202 115 Highway #8 Stoney Creek, Ontario L8G 1C1 Att: Mr. M. Mazza	\$105.00 - \$20.00	T103-50(767)
B-2 300 Grosvenor Ave. N./ Grosvenor Avenue	Wood Steps 1.52m X 0.21m	Mr. & Mrs. Frank Hayes	Ross and McBride Barristers and Solicitors 10th-11th Floors Commerce Place 1 King Street West P.O. Box 907 Hamilton, Ontario. L8N 3P6 Att: Mr. P. Tice	\$105.00 - \$20.00	T103-50(774)
60-62 Guise Street	Steps 3.5' wide Steps 3.5' X 0.5'	Marina Bay Development Corporation	Burns, Vasan, Christmas, McLeod, Cimba Barristers and Solicitors Stelco Tower P.O. Box 987 Suite 1200 100 King Street West Hamilton, Ontario. L8N 4B7 Att: Mr. J. Cimba	\$105.00 - \$20.00	T103-50(776)

Referred to in Section 24
of the First Report of the
Transport & Environment
Committee

SCHEDULE "B"

<u>Address/Location</u>	<u>Type of Encroachment</u>	<u>Owner</u>	<u>Solicitor/Agent Address</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
144 Grant Avenue	Frame Veranda and Step 1.62m X 8.25m	Sinonio Sousa Mike Medeiros Sousa 126 McNab Street South Hamilton, Ontario L8P 5C3	J. Jeffrey Steadman Barrister and Solicitor	\$105.00 - \$20.00	T103-50(751)
208 Sherman Ave. North	Steps 6.42' X 5.23' Conc. Wall (3) 6.93' X 6.58' 6.28' X 8.51' 6.35' X 10.45" Conc. Stoop 0.40' X 3.1'	Mr. Gaetano D'Alessio Mr. Carlo D'Alessio	Rosenblood, Renaud, Spitale Barristers and Solicitors 20 Hughson Street South Suite 1008 Hamilton, Ontario L8N 2A1 Att: Mr. C. Spitale	\$26.00 - \$20.00	T103-50(765)
69 Eastbend Avenue	Concrete Porch 3.14' X 10.0' Concrete Steps 0.60' X 6.1'	Mr. K. Baird Mr. R. Brewer	Simpson and Watson Barristers and Solicitors 950 King Street West Hamilton, Ontario. L8S 1K8	\$105.00 - \$20.00	T103-50(815)
31 Simcoe Street West	Steps 2.83' X 3.20'	Patrick & Betty Hugette	Charles S. Scime Barrister and Solicitor 117 Hunter Street East Hamilton, Ontario. L8N 1M5	\$105.00 - \$20.00	T103-50(841)
107 Shaw Street	Building Wall 21.90' X 0.52'	Leo and Joan Crowley	Legge and Legge Barristers and Solicitors 60 St. Clair Avenue East Toronto, Ontario. M4T 1N5	\$105.00 - \$20.00	T103-50(827)
617 Upper Wellington Street	Building Wall 0.13' X 0.51'	Layton Morrison	Cass and Bishop Barristers and Solicitors 720 Guelph Line Suite 303 Burlington, Ontario L7R 4E2	\$105.00 - \$20.00	T103-50(818)
11 Macauley Street West	Steps 4.0' X 0.46'	Edwardo and Maria Barbosa	Borkovich and Ingrassia Barristers and Solicitors 1 Main Street East Hamilton, Ontario. L8N 1E7	\$105.00 - \$20.00	T103-50(816)

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **FIRST** Report for 1990 and respectfully recommends:

1. That a purchase order be issued to J. C. Millen Construction Company, Markham, in the amount of \$18 645 to fabricate and install a 64 Unit Niche at the Cemetery Columbarium, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest acceptable of four (4) quotations received. Funds provided in Improvements Ground Repair Account No. CH57200 63135.

2. That the City exercise its option to extend the existing agreement for Food Concessions, Mountain Arena with H.R. Day Catering Ltd., for an additional two one year terms to expire 1991 August 31 originally approved by City Council on 1986 November 11 for a three year term.

NOTE: The amount to be paid 1989 September 1, to 1990 August 31, - \$12 500; 1990 September 1 to 1991 August 31, - \$15 000.

3. (a) That a purchase order be issued to Wayne Electric Co. Ltd., Carlisle, in the amount of \$56 446 to supply and install floodlighting, Baseball Diamond #1, Globe Park, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.
- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Since O.M.B. approval has been received, and a Ministry of Tourism and Recreation grant, in the amount of \$46 666, will be forfeited if this additional work is not completed and paid for by 1990 January 30, the above purchase order has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Lowest of two (2) tenders received. Funds provided in Floodlighting, Globe Park Account No. CH56398 62910.

4. That the City formally request The Hamilton Board of Education to delay the disposal of their property at 12 Spruceside Avenue and 13 Mapleside Avenue for a period of two (2) years and continue to lease the land to the City of Hamilton for a nominal sum for parks purposes.

NOTE: In 1989 July, the Board of Education advised that the subject parcel of land was surplus to their requirements. The property has been leased by the City of Hamilton for many years for a nominal sum and utilized for parks purposes. The site is improved with benches and playground equipment.

The Parks Staff Advisory Committee discussed the availability of this property and recommended the purchase for parks purposes inasmuch as it has been utilized for many years as a park, albeit on a lease basis, it would complement other park lands already owned by the City in this neighbourhood and it would implement the secondary neighbourhood plan approved by City Council which calls for a park land usage of the site.

The recommendation to request the Board of Education to defer the sale of the land for two (2) years and continue to lease same to the City for Parks purposes, would allow the City sufficient time to evaluate the acquisition of the site in conjunction with an evaluation of all other capital expenditures contemplated by the City.

For the information of the members of City Council, the Parks and Recreation Committee tabled a recommendation to consider the acquisition of this property within the overall Capital Budget process, pending a report from the Director of Property on the priority level in which this acquisition is allocated.

5. (a) That the City Solicitor be authorized and directed to prepare a lease renewal agreement in favour of Scott-MacDonald Limited for the use of municipal lands in the area of Picton Street West, consisting of 4.4934 acres of land and water designated as Part 4 on a Plan of Expropriation registered as Instrument No. 280084 CD in the Land Registry Office for the Registry Division of Wentworth.
- (b) That the term of the lease be one year commencing 1989 December 1, and the monthly rental be \$1 200 with the Lessee Scott-MacDonald Limited to pay all operating costs and business and realty taxes: (taxes were \$4 825 in 1989).

NOTE: On 1987 February 10, City Council adopted Section 1 of the Third Report of the Parks and Recreation Committee approving the tenancy of Scott-MacDonald Limited on the City lands that were expropriated from Samuel and Sheridan Lax to allow a continuation of the established Marina operations on the site.

The Waterfront Project Co-ordinator has advised that a one year extension of the lease would be appropriate and not interfere or complicate the implementation of the Master Waterfront Plan. All rent, realty and business taxes pursuant to the previous lease have been paid in full, and all other terms and conditions have been met.

The revenue generated by this lease is to be credited to account #CF 4502 708450001 - "Parkland Acquisition Lax Property".

6.
 - (a) That the Corporation of the City of Hamilton enter into a 10 year licence agreement with Ontario Hydro for the use of Hydro land (Parts 1, 2 & 3, 62R-10417) located on the west side of Birch Avenue between Barton Street and Princess Street for park and recreational purposes for \$1 per year, as of 1990 May 30,
 - (b) That all park maintenance and subsequent costs during the term of the agreement be assumed by the City of Hamilton.
 - (c) That the City Solicitor finalize the licence agreement with Ontario Hydro.

NOTE: In 1987 October, City Council approved Ontario Hydro's offer to landscape the Hydro Right-of-way, entirely at their expense, in exchange for the City of Hamilton assuming annual ground maintenance costs.

This work was undertaken by Ontario Hydro and completed to the satisfaction of the Parks Division, Public Works Department in 1988 May.

Previously this area of the Hydro Right-of-way was flat and gravelled so cars were constantly being parked in the area. As well, debris and even abandoned vehicles were being left requiring repeated calls for Ontario Hydro to clean up the area and remove the debris.

With the landscaping of this area, the opportunity to park and/or abandon vehicles has been eliminated. As well, the landscaping has enhanced the appearance of the area.

7. That funds for bikeways within the Capital Budget be retitled: "Bikeways-Playscapes" in order to provide the facilities needed for centralized bikepaths and skateboard trails.

NOTE: The planned east-west mountain and city commuter bike routes are to be completed in the spring of 1990 and will link the City limits using appropriate City roadways and parkways.

Upcoming bikeways will be dedicated to pleasure and training trails. These area will focus on the local BMX youth cyclist and the skateboarder.

Suitable sites for the first pilot projects have been Parkdale Park, Inch Park and Eastwood. These sites are available for daily monitoring and inspection by staff.

Each area will be approximately 100 meters by 8 meters with a configuration suitable for safe but interesting use.

Three skateboarding petitions have been received over the past six months indicating a strong base of support for such a venture. Users will be involved in the planning.

8. That the Director of Culture and Recreation be authorized to pursue the invitation from the Council of Uzhgorod, U.S.S.R., to enter a Hamilton team to participate in the School Children's International Sport Games (1990 June 30 - July 3) and to develop a cultural exchange program to compliment the activities planned in Uzhgorod, subject to support from the Government of Canada and the private sector.

NOTE: Although all hosting costs will be the responsibility of the delegation, the outside limits of this commitment will be \$40,000., with municipal funding not to exceed \$14,000.

Hamilton delegates travelled to the U.S.S.R. as part of the National Fit-Trek exchange program in November. Uzhgorod delegates and media team travelled to Hamilton in a reciprocal arrangement.

Uzhgorod will host the School Children's International Sport Games with activities for boys and girls 14 and under in Track and Field (8), Swimming (8), Tennis (4), Table Tennis (4). Complimentary activities will include, but not be limited to music, art, chess, literary and languages.

Hamilton is the only Canadian City invited to participate in a mid-range athletic level games which primarily includes the Soviet republic and eastern-block participants.

A complete (four-part) report entitled "Glasnost-Fizkultura: The Openness beyond Physical Culture" was made available to members of the Parks and Recreation Committee, and additional copies can be obtained from the Committee Secretary.

9. That approval be given to provide supervised programs of Winterfest to permit sled dog races, sleigh rides and large events at Chedoke and Kings Forest Winter Sports Park.

NOTE: These events require annual approval by City Council for liability and by-law inclusion.

The full program of Winterfest will include over 25,000 persons. The combined Winterfest/Fit-Trek Program will involve more than double that figure.

10. (a) That a pilot project, recognizing tobogganing, be pursued at each of the Winter Sports Parks subject to the reasonable safety precautions.
- (b) That the Director of Public Works, the Director of Culture and Recreation, and the City Solicitor pursue implementing and monitoring these toboggan runs, undertaking all reasonable safety precautions.
- (c) That a report detailing what steps are necessary to permit tobogganing at specific locations in City parks be prepared by the Director of Public Works, the Director of Culture and Recreation, and the City Solicitor at the end of this Winter (1989-90).

NOTE: By-law No. 87-155 prohibits tobogganing in City parks. Amendments to this by-law can be approved by City Council. Relief from the by-law for pilot projects can be authorized by Committee and Council. Recognizing that tobogganing is carried on in City parks, it is reasonable to look at designating some areas where this activity can be carried on.

Daily monitoring of ice build-up will be made. Present enforcement is extremely limited. A detailed follow-up report will be provided for the March 6 meeting of the Parks and Recreation Committee.

11. That the Concession Agreement for Chedoke Golf and Ski Clubhouse operations in the name of J.L.K. Kiriakopoulos Brothers Limited be transferred in the name of J.A. Enterprises - principle John Kiriakopoulos, as per their request.

12. For the information of the members of the Parks and Recreation Committee, the following appointments have been made to the Hamilton Veterans' Committee for a term to expire 1991 November 30:

Alderman William McCulloch
Mr. J. Michael Roach
Mr. Frank Caldwell
Mr. Jack McFarland
Mr. Lloyd Shephard

NOTE: The Terms of Reference for the Hamilton Veterans' Committee state that the Sub-Committee shall consist of one Member of City Council (Alderman McCulloch); the current President of the United Council of Veterans (Mr. Jack McFarland); a Veteran elected at large by the United Council of Veterans (Mr. Mike Roach); a current President of a recognized Hamilton Veterans Club (Mr. Frank Caldwell); and two war veterans recommended by Veterans holding the previously mentioned appointment. The Committee appoints Mr. Lloyd Shepard and will make a second appointment at a later date.

13. That the Chairman or his designate be authorized to attend the 34th Annual Ontario Parks Association Educational Seminar on 1990 March 7, 8, and 9, in Toronto, Ontario (Humber College).
14. That leave be granted to introduce the following Bill:
- (a) Bill C-1: Amendment to Cemeteries By-law No. 8861 - Revises Tariff of Charges

RESPECTFULLY SUBMITTED,

Susan K. Reeder,
Acting Secretary

ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE

1990 January 23

/lp

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its FIRST Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
 - (a) 1830 Main Street East
 - (b) 1626 Upper Gage
 - (c) 148 Annabelle Street
 - (d) 2644 King Street East
2. That a repayable loan, in the amount of nine thousand, six hundred and seventy-four dollars (\$9,674.) be approved under the Commercial Facade Loan Programme for 355 Barton Street East, Ms. C. Rodriguez. The interest rate will be 6 3/4 percent, amortized over 10 years.
3. That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty thousand dollars (\$30,000.) be approved for 403-405 Barton Street East, Angela Agostino. The Interest rate will be 6 3/4 percent, amortized over 10 years.
4. That a repayable loan under the Commercial Facade Loan Programme, in the amount of nine thousand, four hundred and twenty-four dollars (\$9,424.) be approved for 361 Barton Street East, Mr. Adao Dacunha. The interest rate will be 6 3/4 percent, amortized over 10 years.

NOTE: A loan in the amount of eight thousand, seven hundred and seventy-four dollars (\$8,774.) was previously approved 1989 May. This new loan amount represents an increase based on extra work required.

5. That an Option to Purchase the property at 401 Sherman Avenue North duly executed by Peter Spitman on 1989 November 30 and scheduled to close on or before 1990 February 26 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 7.702 metres (25.27 feet) by a depth of 34.73 metres (114 feet), containing an area of 253.6 square metres (2,729.8 square feet) more particularly shown as Part 5 and Part 6 on Plan 62R-10267 together with all structures erected thereon. The purchase price of \$165,650. and all costs and associated expenses to be charged to Account #CF 5590 308750001. Demolition is to take place upon closing.

6. That authorization be given to pay the account of Stuart Fletcher Excavating Limited in the amount of \$19,610. for the payment of grading costs relating to the sale of the south half, Part 1, 62R-8770, Upper Ottawa Street, and charge same to account CH 5X307 00102.
7. That the City of Hamilton accept the sum of \$26,400. as cash payment in lieu of 5% dedication in connection with "Aquino Gardens - Phase 1", Hamilton, this being the cash requirement under section 50 of the Planning Act.

NOTE: These lands are located east of Upper Wentworth Street and south of Stone Church Road in the Butler Neighbourhood, Hamilton.

8. (a) That approval be given to subdivision application SA-89-14, "Beaverton Drive", Salci Developments Inc. owner, to establish a draft plan of subdivision located at the south side of Beaverton Drive and west of Upper Sherman Avenue in the Butler Neighbourhood, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated 1989 June 27.
 - (ii) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (iii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vi) That the owner acquire the 0.3 m reserve on the north side of Beaverton Drive and on the east side of Acadia Drive from the City of Hamilton.
 - (vii) That the plan not receive final approval prior to the availability of storm and sanitary sewers.
 - (viii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (ix) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-14), Salci Developments Inc., owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.
9. (a) That approval be given to the "Intent to Designate" the five-unit rowhouse at 219 - 227 Ferguson Avenue South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked Appendix "A".
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.
10. That approval be given to City Initiative 89-C for a modification to the "C" (Urban Protected Residential, etc.) District regulations, to establish the location of the "rear lot line", for the properties located at 71, 75, 79, 83, 87, 91, 95, 99, and 103 Britten Close, as shown on the attached map marked as Appendix "B", on the following basis:
- (a) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- (i) For the purposes of this by-law, the rear lot line shall be the boundary line along Garth Street.
- (ii) That no vehicular access shall be permitted from Garth Street.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1153, and that the subject lands on Zoning District Map W-17A be notated S-1153;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17A for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The Purpose of this by-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District regulations for the properties located at 71, 75, 79, 83, 87, 91, 95, 99, and 103 Britten Close.

The effect of the By-law is to exempt the subject properties from the "through-lot" provisions of Zoning By-law No. 6593, by establishing the property lines adjoining Garth Street as the "rear lot line". In addition, vehicular access from Garth Street will be prohibited.

11. That approval be given to Zoning Application 89-92, Mrs. Siga Erickson, prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to create three single-family dwelling lots for property located at 302 Stone Church Road West, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 302 Stone Church Road West.

The effect of the proposed change in zoning is to sever the subject land into three building lots for single-family detached dwellings.

12. (A) That amended Zoning Application 89-88, 712191 Ontario Ltd. (G. Valko), Owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit a gas bar and a lube shop for the property located at 1050 Rymal Road East, as shown on the attached map marked as Appendix "D", be DENIED in part, for the following reasons:

- (a) The gas bar is considered as a commercial use which is more appropriately located in the "M-11" zone which permits a broad range of commercial uses;
- (b) There is an adequate supply of suitably zoned land along Rymal Road East to accommodate the proposed gas bar use; and,
- (c) Approval of the application may encourage other similar type applications which, if approved, would undermine the intent of the Prestige Industrial Zoning Districts.

- (B) That approval be given to a further amended Zoning Application 89-88, 712191 Ontario Ltd. (G. Valko), owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit a lube shop, for the property located at 1050 Rymal Road East, as

shown on the attached map marked as appendix "D", on the following basis:

(a) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 17(D)(1)(b), the following additional commercial use shall be permitted:

<u>Commercial Use</u>	<u>S.I.C. Number</u>
-----------------------	----------------------

Gasoline Service Station, restricted to	6331
--	------

1. Lubrication services, motor
vehicles.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1154, and that the subject lands on Zoning District Map E-49E be notated S-1154;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to "M-12" (Prestige Industrial) District regulations for the property located at 1050 Rymal Road East.

The effect of the By-law is to permit a lube shop in conjunction with a proposed car wash.

13. (a) That approval be given to Official Plan Amendment No. 84 to redesignate the subject lands from "Residential" to "Commercial", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application 89-94, J. and E. Spenuk, owners, for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, for property located at 820 Rymal Road East, as shown on the attached map marked as Appendix "E" on the following basis:

(i) That the subject lands be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

- (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38D and E-38E for presentation to City Council;
 - (iii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 84 by the Regional Municipality of Hamilton-Wentworth; and,
 - (iv) That the Broughton West Neighbourhood Plan be amended by redesignating the subject lands from "Single" to "Double" residential to "Commercial".
- (c) That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District for property located at 820 Rymal Road East.

The effect of the By-law is to permit a commercial shopping plaza to be constructed on the site.

14. (a) That approval be given to Official Plan Amendment No. 83 to redesignate the subject lands from "Industrial" to "Commercial", to delete the lands from Special Policy Area 11 and to establish a new Special Policy Area to limit the types of Commercial uses, and that the City Solicitor be directed to prepare a by-law for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to an amended Zoning Application 89-38, Landawn Shopping Centres (National) Limited, prospective owner, requesting a change in zoning from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District modified, to permit the construction of a one storey, 9,950 m² shopping centre (i.e. Home Design Centre), for the lands located south of the C.N.R. Railway Tracks, east of Centennial Parkway North, as shown on the attached map marked as Appendix "F", on the following basis:
- (i) That the subject lands be rezoned from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District;
 - (ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (1) That notwithstanding Section 14A(1), only the following uses shall be permitted:

Residential

- (a) Hotel

Commercial

- (b) Gas Bar;
(c) Building Supply Store (Lumber Yard);
(d) Sporting Goods Store;
(e) Offices;
(f) Bowling alley;
(g) Billiard hall;
(h) Cinema (movie theatre);
(i) Restaurant provided it is non-fast food, there is no drive-thru facility, and it is not free standing;
(j) Bank;
(k) Shoe Repair Shop;
(l) Barbershop, hairdressing establishment or beauty parlour;
(m) A store for the sale of tobacco products, newspapers and magazines; and
(n) Signs in accordance with the "HH" District provisions.
- (2) That notwithstanding Section 14A(1), the following uses shall be permitted in addition to the uses listed in Subsection 2(ii)a) above:

Commercial Uses

S.I.C. Identification

- | | | |
|-----|---|------|
| (a) | Household Furniture Stores
(With Appliances and Furnishings) | 6211 |
| (b) | Household Furniture Stores
(Without Appliances and
Furnishings) | 6212 |
| (c) | Appliance, Television, Radio
and Stereo Stores | 6221 |
| (d) | Television, Radio and Stereo
Stores | 6222 |
| (e) | Floor Covering Stores | 6231 |
| (f) | Drapery Stores | 6232 |
| (g) | Other Household Furnishings Stores | 6239 |

- (h) Lawn and Garden Centres 6522
 - (i) Hardware Stores 6531
 - (j) Paint, Glass and Wallpaper Stores 6532
- (3) That notwithstanding Section 14A, outside storage use in conjunction with a permitted use shall be permitted subject to the following:
- (a) A visual barrier not less than 1.5 m and not more than 2.0 m in height shall be provided and maintained along the westerly boundary and 20 m along the southerly boundary contiguous to the westerly boundary.
 - (b) The total area of the outside storage shall not exceed 15% of the total lot area.
- (4) That a minimum 3.0 m wide landscape strip shall be provided and maintained along the lot line adjoining Centennial Parkway, except for any area used for access driveway(s).
- (5) That a chain-link fence not less than 1.8 m in height shall be provided and maintained along the northerly property line.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1155, and that the subject lands on Zoning District Map E-113 be notated S-1155;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council;
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 83 by the Regional Municipality of Hamilton-Wentworth.

NOTE: The Purpose of the by-law is to provide for a change in zoning from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District, for the lands located south of the C.N. Railway tracks, east of Centennial Parkway North.

The effect of the By-law is to permit the construction of a one storey, 9,950 m², shopping centre (i.e. Home Design Centre) containing one or more of the following uses as previously noted.

In addition, the By-law provides for the following variances as special requirements:

- (a) to permit an outside storage area in conjunction with a permitted use, provided the total outside storage area shall not exceed 15% of the total lot area;
- (b) to require a visual barrier between 1.5 m to 3.0 m in height along the westerly boundary and 20 m of the southerly boundary of the storage area;
- (c) to provide and maintain a minimum 3.0 m wide landscape strip along the lot line adjoining Centennial Parkway, except for any area used for an access driveway(s); and
- (d) to provide and maintain a chain-link fence not less than 1.8 m in height along the northerly lot line adjacent to the Canadian National Railway Line.

Respectfully submitted,

Alderman J. Smith, Chairman
Planning and Development Committee

Susan K. Reeder
Secretary
1989 December 13

REASONS FOR DESIGNATION

219 - 227 Ferguson Avenue South

Context

Built in 1894, this five-unit residential terrace in the Corktown neighbourhood is situated on the east side of Ferguson Avenue South at the corner of Charlton Avenue East. It forms part of a continuous streetscape of late nineteenth and early twentieth century buildings, including several rowhouses, which extends north to the railway yards and west along the north side of Forest Avenue bordering the grounds of Queen Victoria Public School. Directly south of the terrace is the former high level pumping station erected in 1912 at the foot of the Escarpment.

Architectural Value

219-227 Ferguson Avenue South represents the finest surviving example of a High Victorian brick terrace in Corktown, notable not only for the quality of its overall design and detailing but also for the extent to which its original appearance has been preserved. Typical in design of late nineteenth century rowhousing in Hamilton, each unit features a side entrance, parapet partition walls, a square bay, and a steep-pitched roof with a tall gable over the bay. A particularly distinctive element is the gable bargeboard which forms a decorative arch over the semi-circular attic window. Also noteworthy are the bracketed cornice over the round arched bay windows, the stained glass transom lights over three of the four windows and the front doorway, the ornamental brick mouldings, and in the case of the two end units (#219 and #227), the original panelled wooden door with its tall, arched glazed upper panels. The decorative wooden porches over all five front entrances were recently removed.

History and Historical Associations

The original owner, John Lindner, retained possession of the terrace for less than a year, selling it in 1894 to William Edgar, who in turn sold it in 1895 to investor William Sparrow of Buffalo, New York. In the course of the early 20th century the rowhouse was subdivided among individual owners, several of whom were associated with well-known Hamilton businesses.

Designated Features

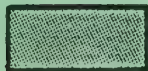
Important to the preservation of 219-227 Ferguson Avenue South are the original features of the west, south and north facades, including the ornamental wooden trim, the original front doorways (excluding the doors of #221, #223 and #225) and windows with their stained glass transoms.

Appendix "A" as referred to in
Section 9 of the 1st Report for
1990 of the Planning and
Development Committee

219-227 Ferguson Avenue South

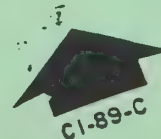
5-unit Victorian brick terrace; built 1894.



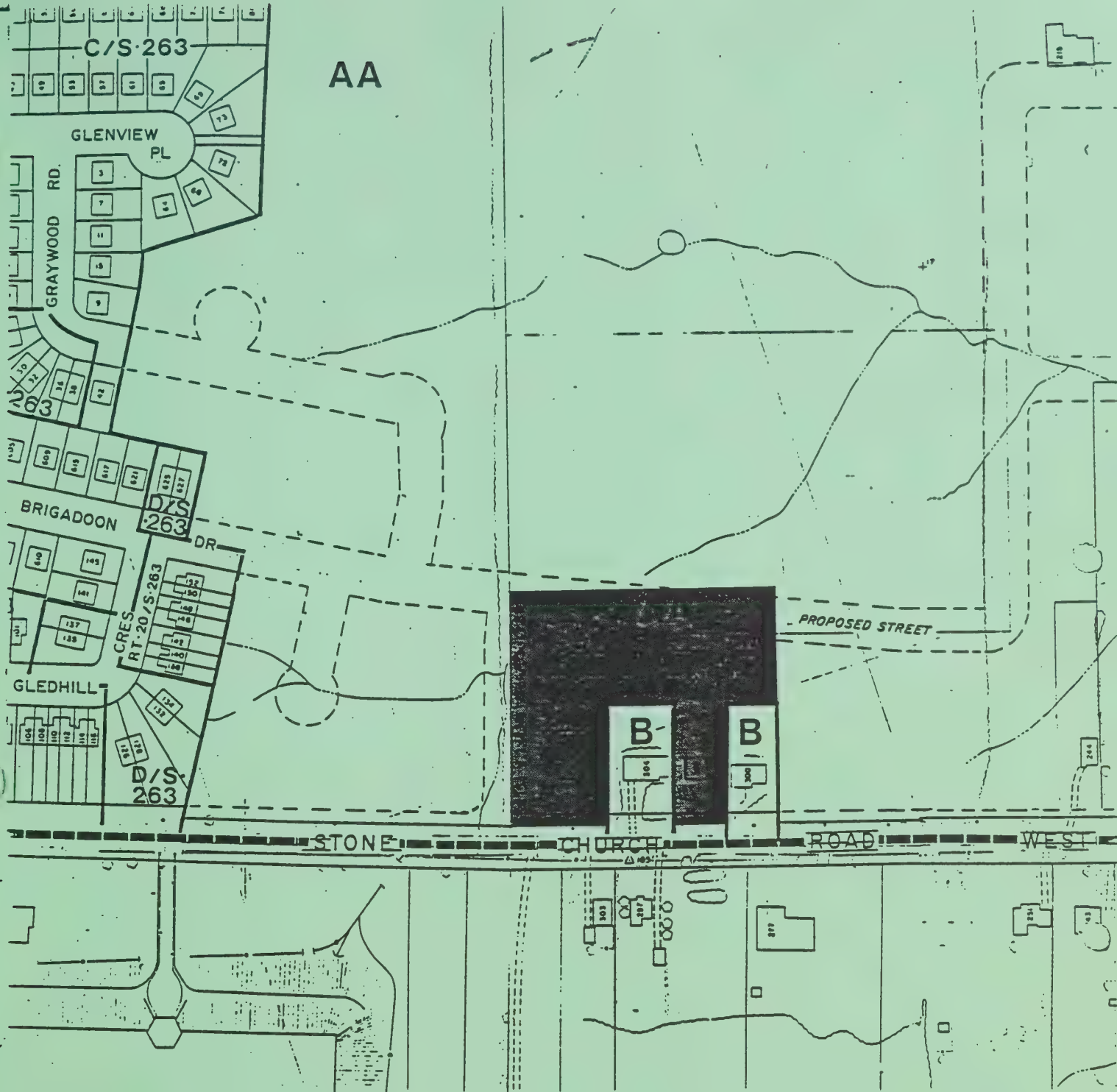


SITE OF THE APPLICATION

Appendix "B" as referred to in
Section 10 of the 1st Report for
1990 of the Planning and
Development Committee



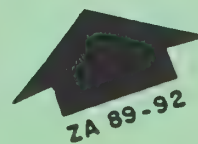
APPENDIX A



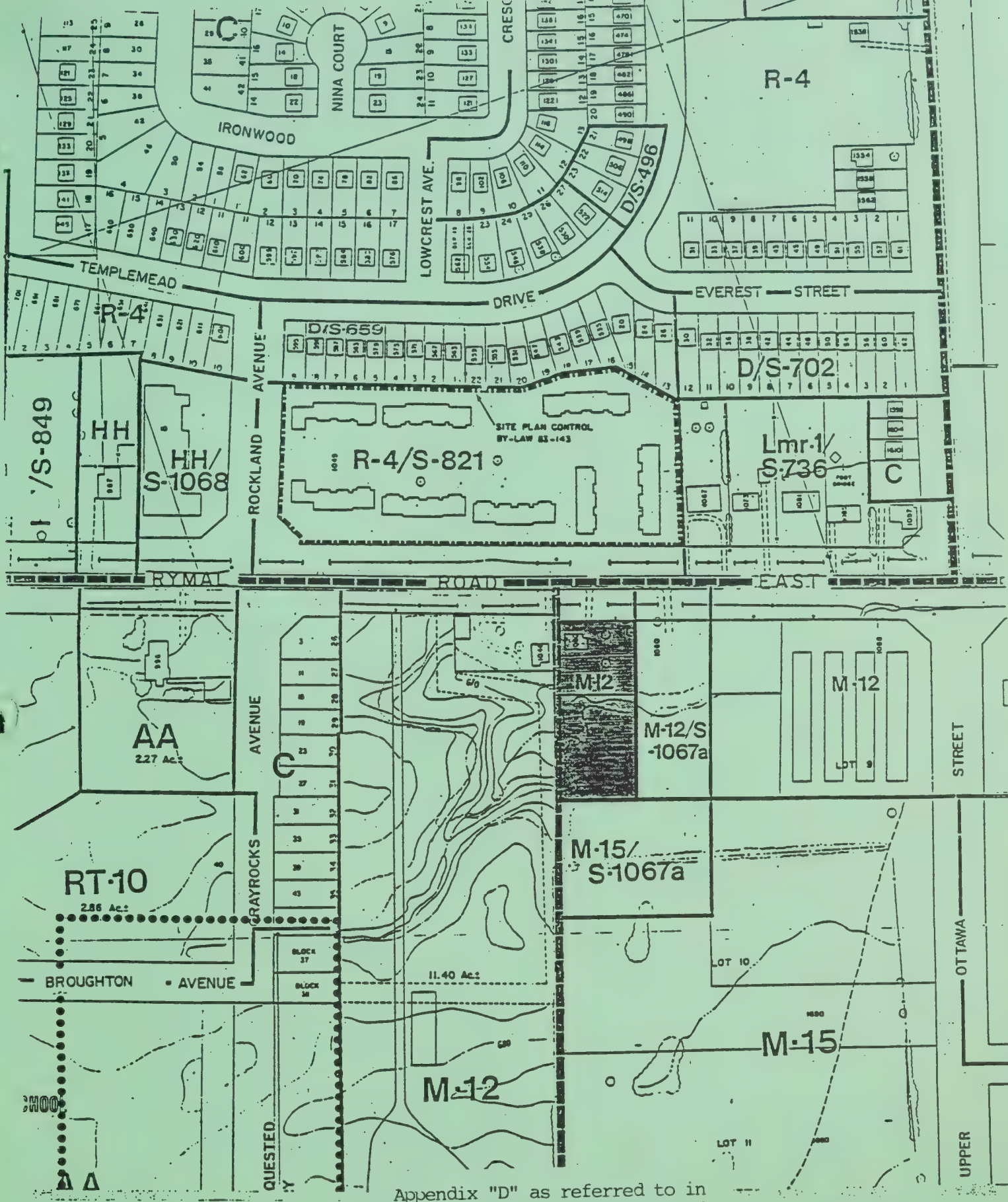
LEGEND



SITE OF THE APPLICATION



Appendix "C" as referred to in
Section 11 of the 1st Report for
1990 of the Planning and
Development Committee

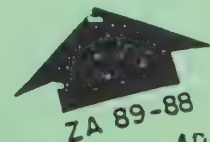


Appendix "D" as referred to in
Section 12 of the 1st Report for
1990 of the Planning and
Development Committee

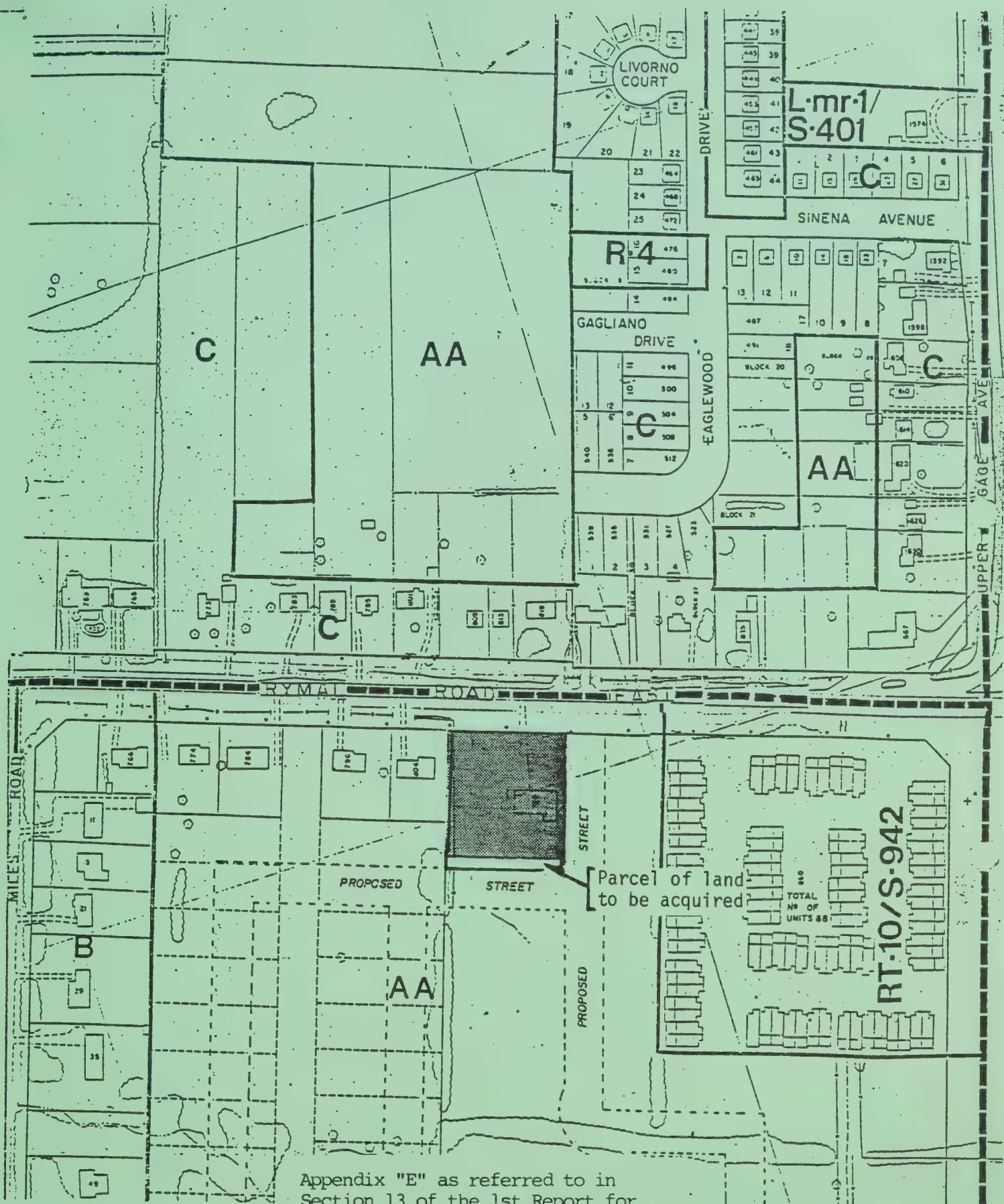
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D-14

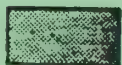
Site of the Application



APPENDIX A



Legend

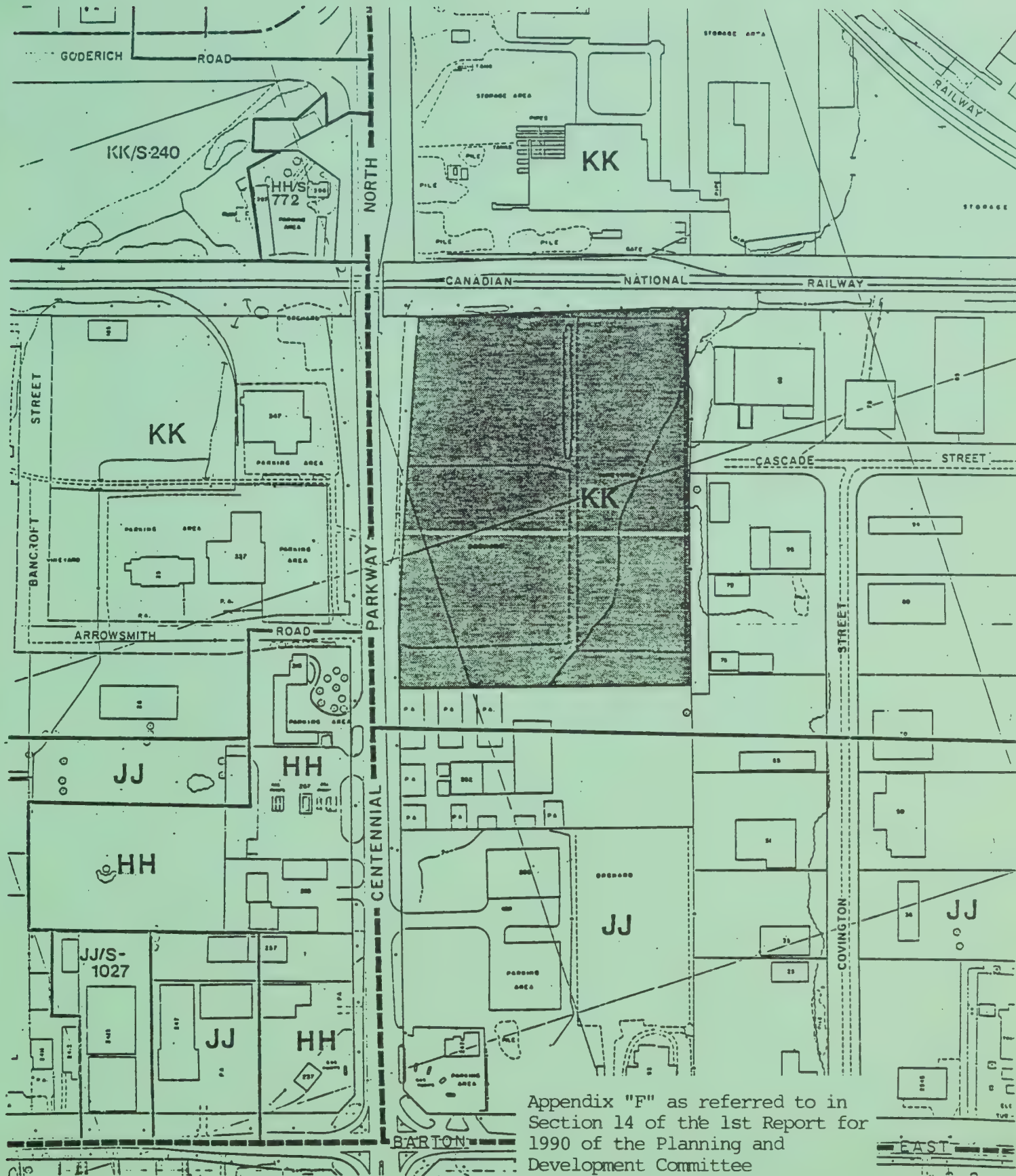


Site of the Application

D-15



APPENDIX A



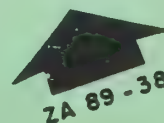
Appendix "F" as referred to in
Section 14 of the 1st Report for
1990 of the Planning and
Development Committee

LEGEND

D-16



SITE OF THE APPLICATION



APPENDIX A

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its SECOND Report for 1990 and respectfully recommends:

1. That the City of Hamilton accept the sum of \$3,900. as cash payment in lieu of 5% parkland dedication in connection with "Eleanor Heights Addition - Phase One", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located north of Rymal Road and east of Eleanor Avenue in the Eleanor Neighbourhood, Hamilton.

2. That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 1154 Rymal Road East, Hamilton, Ontario, to release the property from the construction covenants to the City as contained in deed instrument #205947 LT, registered 1987 July 30.

NOTE: City Council on 1987 June 23, authorized the sale of Lot 4, Registered Plan 62M-352, to James Miles. The transaction was completed on 1987 July 30. On 1989 December 4, the proposed building was completed.

The Director of Property supports the request of the owner that the City of Hamilton release the construction covenants contained in deed number 205947 LT in order to clear the title.

All the covenants as noted above have been fulfilled.

3. (a) That the City of Hamilton adopt a By-law to remove part-lot control from Holland Avenue and Parcel "B", Registered Plan No. 909.
- (b) That the City of Hamilton be directed to prepare the appropriate By-law for presentation to City Council.
- (c) That the Regional Municipality of Hamilton-Wentworth be requested to approve the By-law removing part-lot control on the above-noted parts of Registered Plan No. 909.
- (d) That the By-law not be registered prior to the registration of Aquino Gardens, Phase 1 (25T-88014).
- (e) That the By-law be repealed within 6 months of the date of its registration.

NOTE: The lands are located south of Stone Church Road East and west of Beaverton Drive in the Butler Neighbourhood, City of Hamilton.

4. (a) That approval be given to Official Plan Amendment No. 86 to:

- (i) Redesignate lands on the west side of Centennial Parkway, between the Q.E.W. interchange and the railway tracks (including the Signature Inn, retail plaza and the Pines Motel and restaurant) from "Industrial" to "Commercial", and remove from Special Policy Area 11 (Light Industrial Uses);
 - (ii) Redesignate lands on the east side of Centennial Parkway, north of Barton Street (including the two car dealerships and service station) from "Industrial" to "Commercial", remove from Special Policy Area 11 and placed in a new Special Policy Area limiting commercial development to those uses which support tourism and cater to the travelling public, such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs, and similar uses;
 - (iii) Designate all lands within the study area (as shown on the map attached herewith and marked Appendix "A", - Land Uses Concept) as a "Community Improvement Area", as shown as Schedule "H" of the Official Plan;
 - (iv) Incorporate a new policy into the Official Plan recognizing the railway's concerns regarding development adjacent to their lands and directing any future proponents for development/redevelopment to consult with CN regarding drainage, fencing and setbacks; and,
- (b) That the City Solicitor be directed to prepare a by-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (c) That the Planning and Development Department be directed to initiate discussions with the owners of the lands on the east side of Centennial Parkway, north of Barton Street (two car dealerships and service station) for the purpose of ascertaining their intentions for the development/redevelopment of their lands and their receptiveness to initiate rezonings consistent with the Official Plan Amendment noted in (a) above.
- (d) That the Neighbourhood Plans be prepared/amended on the basis of the following:
- (i) Kentley and Riverdale West Neighbourhood Plans be amended for those lands fronting onto Centennial Parkway between Barton Street and Queenston Road in accordance with the Land Use Concept; and,

- (ii) Neighbourhood Plans be prepared for those portions of Lakely and Nashdale Neighbourhoods fronting onto Centennial Parkway, between the Q.E.W. and Barton Street, in accordance with the Land Use Concept. Special policies recognizing CN's concerns should be recognized for those lands adjacent to the railway line.
- (iii) That in conjunction with the revision/preparation of these Neighbourhood Plans, urban design guidelines should be established for the entire area and should reflect the concepts articulated in Section 3.0 of the Gateway East Study.
- (e) That Site Plan Control By-laws No. 87-223 and 79-275 be amended to include those lands within the Study Area not now covered by Site Plan Control.
- (f) That actions and priorities as detailed in Table 11 - Implementation Strategy - Design Improvements, attached herewith and marked Appendix "B", be endorsed, and staff be directed to coordinate their implementation with other departments and agencies.
- (g) That the Planning and Development Department, in conjunction with the Community Development Department and the Region's Economic Development Department, be directed to:
 - (i) Liaise with the local business people, land owners, etc., in an attempt to establish a local business association for some or all of the study area; and,
 - (ii) In conjunction with (i) above, identify an area theme for promotional purposes.
- (h) That the Region's Engineering Department be advised that with respect to the draft Regional Signage Study, that:
 - (i) The Province be requested to consider signing the Centennial Parkway interchange on the Q.E.W. as "Hamilton";
 - (ii) The Province be requested to consider identifying Centennial Parkway as an alternate route to downtown Hamilton; and,
 - (iii) Trail blazer signs be provided for Confederation Park and Wild Water Works.

NOTE: The Gateway East Study (Centennial Parkway from Confederation Park to Queenston Road) was initiated at the request of the Planning and Development Committee and the Executive Committee to study;

- (a) "Ways and means of improving the promotion of the hospitality industry in the City"; and,

- (b) "The present and proposed zoning and development of properties fronting on Highway 20 .. to ensure maximum benefits to the City as a growth area".

Accordingly, the Gateway East Study was undertaken. Its findings were reviewed by the public at an Open House on 1989 August 9 and 10, and a Public Meeting of the Planning and Development Committee on 1989 September 13.

As a result of the public input and comments received from various departments and agencies, the study findings have been refined and the above-noted final recommendations prepared for Committee and Council consideration.

5. That the approved plan for the Albion Falls Neighbourhood be amended, as shown on the map attached herewith and marked Appendix "C", to reflect proposed pedestrian bridges and closures of roadway sections included in the Red Hill Creek Recreation Master Plan.

NOTE: The Red Hill Creek Recreation Master Plan was prepared to provide a detailed framework to maximize the open space potential within the Red Hill Creek Valley, in the vicinity of the approved roadway facility. The Plan includes pedestrian trails and bridges and year-round recreational facilities. The Plan was finalized during 1988-1989, and underwent public review, submissions and revisions. It received approval from the Parks and Recreation Committee on 1989 December 5, and was adopted by City Council on 1989 December 12.

The Master Plan takes into consideration various recreational needs, including the need for pedestrian crossings of the Proposed Mountain Freeway, both above and below the escarpment. Such crossings by means of bridges and underpasses, are necessary to access schools, community facilities, etc. There are also a number of roadway section closures in the vicinity of the proposed roadway, in locations where grade separations are not warranted.

The Albion Falls Neighbourhood Plan should be amended to reflect the pedestrian overpasses and roadway section closures as outlined above, to ensure that it is consistent with the approved Recreation Master Plan.

6. That approval be given to amended Zoning Application 89-86, Renata Golba and Mirosław Chuchla, owners, requesting a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District to permit a multiple dwelling having a maximum of four dwelling units, for property located at 780 Upper Paradise Road, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37B for presentation to City Council;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (d) That the approved Gurnett Neighbourhood Plan be amended by redesignating the lands to "Attached Housing".

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District for property located at 780 Upper Paradise Road.

The effect of the proposed change in zoning is to permit the construction of a multiple dwelling having a maximum of four (4) dwelling units. The existing building would be demolished.

- 7. That approval be given to amended Zoning Application 89-97, Joseph Greenbaum, owner, requesting a further modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit a shopping centre identification sign on property located at 1000 Upper Gage Avenue, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593, as amended by By-law No. 86-115, applicable to the subject lands, be further modified to include the following variances as special provisions:
 - (i) That notwithstanding the provisions of Section 13.(1) of Zoning By-law No. 6593 a shopping centre identification sign having a maximum sign area of 12m² shall be permitted subject to the provisions of Section 13A(1)(xii) 3 and 5;
 - (ii) That notwithstanding the provisions of Section 13.(3) of Zoning By-law No. 6593 the shopping centre identification sign shall be set back a minimum of 3.0m from any street line;
 - (iii) That the shopping centre identification sign shall be set back a minimum of 3.0m from the nearest access driveway;
 - (iv) That the shopping centre identification sign shall have a minimum clear height of 3.0m from the ground to the bottom of the sign.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as schedule S-156C, and that the subject lands on Zoning District Map E-38A be notated S-156C;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38A for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area.

NOTE: The purpose of the By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations, applicable to property located at 1000 Upper Gage Avenue.

The effect of the By-law is to permit a shopping centre identification sign to be located on the site subject to the following restrictions:

- (a) A maximum sign area of 12m²;
- (b) The sign shall be located at a distance of not less than 3.0m from a street-line or access driveway; and
- (c) The sign shall have a height of at least 3.0m from the ground to the bottom of the sign.

8. That approval be given to amended Zoning Application 89-106, Eric Miles, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family residential development for property located at the rear of 323 Rymal Road East, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 323 Rymal Road East.

The effect of the By-law is to sever the subject property to create four (4) building lots for single-family dwellings, fronting onto Bastille Street.

9. (a) That approval be given to Official Plan Amendment No. 85 to redesignate the northerly portion of Block "1" from "Utilities" to "Residential" and the City Solicitor be directed to prepare a By-law for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to amended Zoning Application 89-42, Rymal Square Developments Inc., owner, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Blocks "1" and "2"), "R-4" (Small Lot Single-Family Detached) District (Block "3"), "RT-20" (Townhouse-Maisonette) District modified (Blocks "4", "5", "6" and "7"), "DE-3" (Multiple Dwellings) District (Blocks "8", "9" and "10"), "E-2" (Multiple Dwellings) District (Blocks "11", "12" and "13"), and "G-1" (Designed Shopping Centres) District (Block "14"), to permit the development of the subject lands for single-family dwellings (Blocks "1" and "2"), small lot single-family dwellings (Block "3"), townhouses (Blocks "4" to "7"), low density apartments (Blocks "8" to "10"), medium density apartments (Blocks "11" to "13") and a shopping plaza (Block "14" in conjunction with the lands to the south), for the lands north of Rymal Road East between Upper Sherman Avenue and Upper Wentworth Street, as shown on the attached map marked as Appendix "G", on the following basis:
- (i) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (ii) That Blocks "3" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
 - (iii) That Blocks "4", "5", "6" and "7" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
 - (iv) That Blocks "8", "9" and "10" be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
 - (v) That Blocks "11", "12" and "13" be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District;
 - (vi) That Block "14" be rezoned from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District;
 - (vii) That the "RT-20" (Townhouse-Maisonette) District regulations contained in Section 10E of Zoning By-law No. 6593, applicable to Blocks "4", "5", "6" and "7", be modified to include the following variance as a special requirement:
 - (1.) That Section 10E (2)(a)(3) shall be prohibited.

- (viii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1156, and that Blocks "4", "5", "6" and "7" on Zoning District Map E-27D be notated S-1156;
- (ix) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27D for presentation to City Council;
- (x) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 85 by the Regional Municipality of Hamilton-Wentworth.
- (xi) That the Neighbourhood Plan be amended accordingly.

NOTE: The purpose of the By-law is to provide for changes in zoning from the lands located north of Rymal Road East, between Upper Wentworth Street and Upper Sherman Avenue, on the following basis:

- (a) Change in Zoning from "AA" (Agricultural) District to:
 - (i) Blocks "1" and "2" - "C" (Urban Protected Residential, etc.) District;
 - (ii) Blocks "3" - "R-4" (Small Lot Single-Family Detached) District;
 - (iii) Blocks "4" to "7" - "RT-20" (Townhouse-Maisonette) District modified;
 - (iv) Blocks "8" to "10" - "DE-3" (Multiple Dwellings) District;
 - (v) Blocks "11" to "13" - "E-2" (Multiple Dwellings) District;
 - (vi) Block "14" - "G-1" (Designed Shopping Centres) District.
- (b) The effect of the by-law is to permit the development of the subject lands for:
 - (i) Blocks "1" and "2" - single family dwellings;
 - (ii) Block "3" - small lot single-family dwellings;
 - (iii) Blocks "4" to "7" - townhouses and maisonettes (no street townhouses);
 - (iv) Blocks "8" to "10" - low density apartments;

- (v) Blocks "11" to "13" - medium density apartments;
- (vi) Block "14" - shopping centre (in conjunction with lands to the south)

10. (a) That approval be given to Subdivision Application 89-13, Rymal Square Developments Inc., owner, to establish a draft plan of subdivision north of Rymal Road East between Upper Wentworth Street and Upper Sherman Avenue, subject to the following conditions:

- (i) That the approval apply to the plan prepared by MacKay, MacKay and Peters Ltd., dated 1989 March 15, revised to show 174 lots for single-family dwellings, 50 lots for small lot single-family dwellings, Blocks "230", "231", "234" and "235" for townhouse and maisonette development, Blocks "225", "229" and "233" for low density apartments, Blocks "226", "227" and "228" for medium density apartments, Block "232" for a shopping centre, Blocks "236" and "237" for development with adjacent lands, Blocks "238" to "241" inclusive for road widenings, and Block "242" as a planting strip (in conjunction with Block "232").
- (ii) That all streets within the final plan be established to their full required width either through acquisition by the owner or where required by By-law of the City of Hamilton.
- (iii) That Street "B" align with the sewer easement shown on Sewer Plan 88-S-56 east of Upper Wentworth Street.
- (iv) That the streets and the street widenings and daylighting for Rymal Road East, Upper Wentworth Street and Upper Sherman Avenue be dedicated to the City of Hamilton as public highways on the final plan.
- (v) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
- (vi) That the final plan conform with the Zoning By-law approved under The Planning Act.
- (vii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (viii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

- (ix) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (x) That Blocks "236" and "237" be developed with abutting lands.
 - (xi) That any dead-ends and open sides of the road allowances created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of adjacent lands.
 - (xii) That 2m x 2m daylight triangles be established on all L-shaped streets.
 - (xiii) That the streets align with those to be established by the plan to the north.
 - (xiv) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xv) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-13), Rymal Square Developments Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
11. (a) That approval be given to Subdivision Application 89-15, "Sgro Gardens", Vito and Angela Sgro, owners, to establish a draft plan of subdivision located on the east side of Eleanor Avenue and on the north side of Dulgaren Street in the Eleanor Neighbourhood, subject to the following conditions:
- (i) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1989 May 17, revised by locating Mentino Crescent to align centre line to centre line with Presidio Drive and by providing part of a turning circle.
 - (ii) That the final plan conform with the Zoning By-law approved under The Planning Act.

- (iii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vi) That the owner provide sufficient lands for a turning circle at the location of Lot 15 and Lot 16.
 - (vii) That the plan not receive final approval prior to the approval of services on Dulgaren Street.
 - (viii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (ix) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-15), V. & A. Sgro, owners, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.
12. That approval be given to Zoning Application 89-72, Vito and Angela Sgro, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 77 Eleanor Avenue, as shown on the attached map marked as Appendix "H", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 77 Eleanor Avenue.

The effect of the By-law is to subdivide the subject property into building lots for single-family dwellings.

13. That Zoning Application 88-111, J. Calzonetti, owner, requesting changes in zoning from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District (Block "1"), and "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District (Block "2"), to permit the construction of a strip commercial plaza, for the properties located at 829, 837, 845 and 867 Rymal Road East, as shown on the attached map marked as Appendix "I", be DENIED for the following reasons:
- (a) The proposal conflicts with the intent of the Official Plan which designates the majority of the lands "Residential".
 - (b) It conflicts with the recently approved Eleanor Neighbourhood Plan which designates the site "Commercial and Apartments" (minimum 50% residential), "Attached Housing" and "Single and Double Housing". The intent of the "Commercial and Apartments" designation is to allow for mixed use developments and not solely for commercial purposes.
 - (c) Approval of the application may encourage other similar applications, which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan.
14. (a) That By-law 89-365 be repealed in its entirety.
- (b) That Section 10 of the 23rd Report for 1988 of the Planning and Development Committee approved by City Council on 1988 November 29, be repealed in its entirety, and replaced with the following:
- (i) That approval be given to Zoning Application 88-82, Red Lobster Canada, lessee, for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District, to permit the use of the land for a parking lot in conjunction with the Red Lobster restaurant, for property located at the rear of 1066 Upper James Street, as shown on the attached map marked as Appendix "J", on the following basis:
 - (1.) That the subject lands be rezoned from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District;

- (2.) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- (a) Notwithstanding Section 13C(3)(ii) of Zoning By-law No. 6593, a minimum 3.0m wide landscaped planting strip shall be provided and maintained along the northerly and westerly lot lines, and a minimum 1.5m wide landscaped planting strip shall be provided and maintained along the southerly lot line.
 - (b) Notwithstanding Section 13C(3)(iii) of Zoning By-law No. 6593, a visual barrier not less than 1.2m and not greater than 2.0m in height shall be provided and maintained along the northerly, southerly and westerly lot lines.
- (3.) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1103, and that the subject lands on Zoning District Map W-9A be notated S-1103;
- (4.) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9A for presentation to City Council;
- (5.) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (6.) That the Yeoville Neighbourhood Plan be amended by redesignating the subject lands from "Single and Double Housing" to "Commercial".
- (c) That the amending by-law not be forwarded to City Council for passage until such time as the required site plan is approved by the Planning and Development Committee.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District.

The effect of the by-law is to permit a parking lot in conjunction with the Red Lobster restaurant located at 1066 Upper James Street.

In addition, the by-law will require the following:

- (a) A minimum 3.0m wide landscaped planting strip to be provided and maintained along the northerly and westerly lot lines;
- (b) A minimum 1.5m wide landscaped planting strip to be provided and maintained along the southerly lot line; and,
- (c) A visual barrier not less than 1.2m and not greater than 2.0m in height to be provided and maintained along the northerly, southerly and westerly lot lines.

15. That the Public Notification Procedure for Sign Posting Requirements for Zoning Applications, approved by City Council on 1987 March 10th, be amended to require that the Planning Department advise the applicant that the sign must be removed 30 days after the By-law comes into effect, or 30 days after City Council has denied the application.

16. That leave be granted to introduce the following Bills:

- (a) Bill D-1 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 783, 785 and 791 Concession Street.
- (b) Bill D-2 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear part of Municipal No. 1258 Upper Wentworth Street.
- (c) Bill D-3 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 408 Rymal Road East.
- (d) Bill D-4 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 404 Cochrane Road South.
- (e) Bill D-5 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 1399 Upper James Street.
- (f) Bill D-6 A By-law to amend Zoning By-law No. 6593 respecting lands located on the west side of Annabelle Street, north of Stone Church Road West.
- (g) Bill D-7 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 311 Rymal Road East.

- (h) Bill D-8 A By-law to amend Zoning By-law No. 6593 respecting lands located at the northwest corner of Limeridge Road East and Upper Gage Avenue.
- (i) Bill D-9 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 2846 King Street East.
- (j) Bill D-10 A By-law to establish Site Plan Control respecting land located at Municipal No. 2846 King Street East.

Respectfully submitted,

Alderman J. Smith, Chairman
Planning and Development Committee

Susan K. Reeder
Secretary
1990 January 3rd

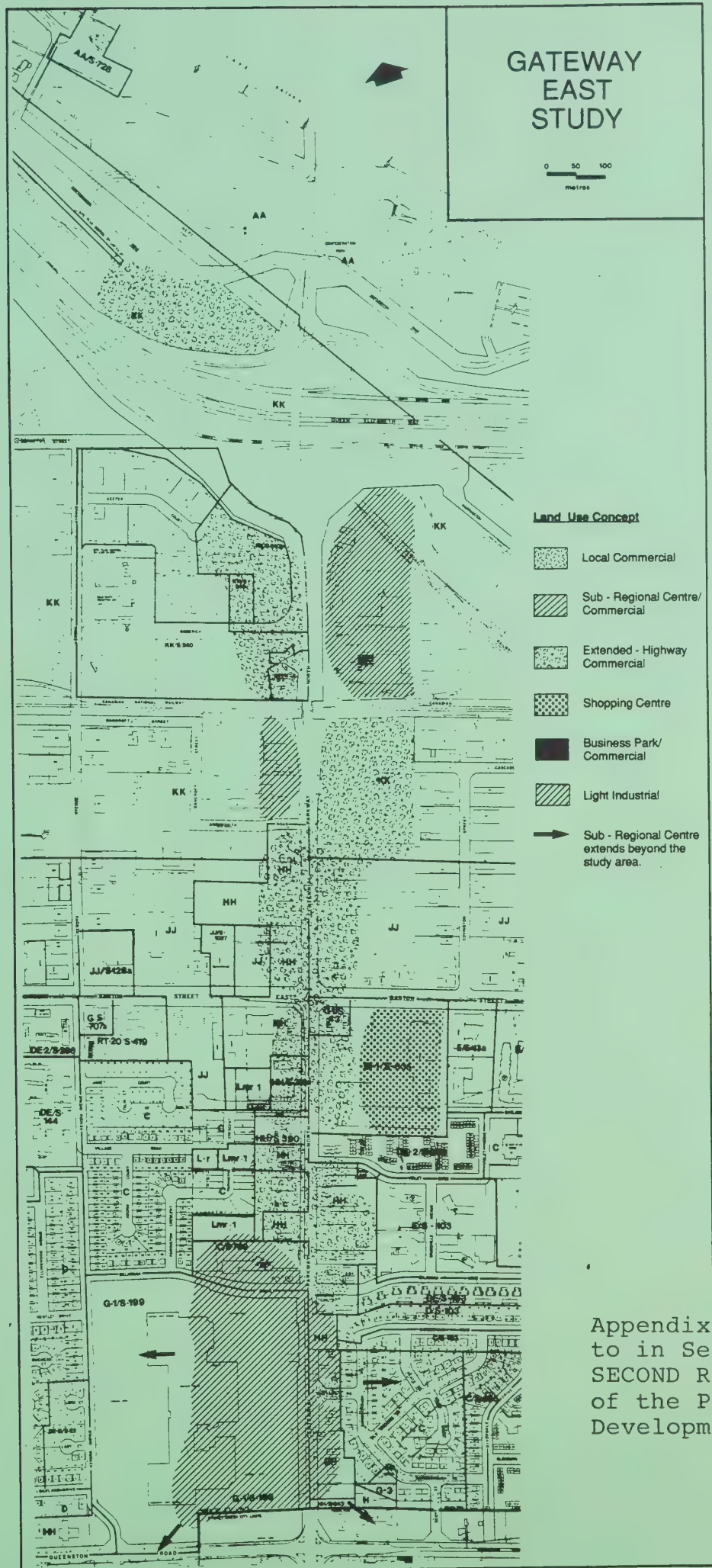


TABLE II

Implementation Strategy - Design Improvements

<u>Location and Existing Land Uses</u>	<u>Proposed Land Use Designation</u>	<u>Existing Features</u>	<u>Proposed Improvements (and Priority)*</u> <u>Short Term</u>	<u>Long Term</u>	<u>Comments</u>
North of QEW - Confederation Park and Industry (Lang Foods)	Open Space and Extended Highway Commercial	Landscaping, plantings and lawn, signs at entrance to Confederation Park	Additional landscaping for new tourism uses and industry (H)	Further unique design features at park entrance (H); sidewalks (H)	Future hotel and tourist information centre to be appropriately landscaped. Economic Development and Planning Departments.
Both sides of Centennial: QEW and Interchange lands - Highway overpass	Open Space	Natural woods and lawn	Flags and banners on MTO lands (M)	Sidewalks (H)	"Welcome to Hamilton" theme to be incorporated. To be co-ordinated with MTO.
West Side: QEW to Rail Bridge - Hotels and Plaza	Extended Highway Commercial	Attractive plantings, on hotel and plaza sites	Additional landscaping on vacant land (M); flags and banners (L)	Tourist redirection or orientation area (H)	Possible shared use of parking areas for tourist redirection to Regional tourist information centre.
East Side: QEW to Rail Bridge - Industry (Waxman)	Business Park/Commercial	Few trees or shrubs, closed fence unattractive	Additional landscaping, especially trees and shrubs, to block views of industry (H)	Sidewalks (H)	Site plan control for redevelopment to be undertaken by Planning Department
Both Sides: Rail Bridge and slopes to north and south of bridge	Business Park/Commercial and Light Industrial	Bridge narrow, requires maintenance, acts as psychological barrier; slopes have untidy grass and weeds.	Improvements to bridge, such as cleaning, painting and adding graphics (H+); extensive planting on slopes (H+).	Widening of bridge (M); sidewalks (H)	Design competition to be used to refine approach for design. Themes: Gateway; "Welcome to Hamilton". Planning Dept. in conjunction with Engineering, and CNR as necessary.

* Note: Categories for priorities - L = Low; M = Medium; H = High; H+ = Very High.

Appendix "B" as referred to in Section 4 of the SECOND Report for 1990 of the Planning & Development Committee

Table 11 Continued

Implementation Strategy - Design Improvements

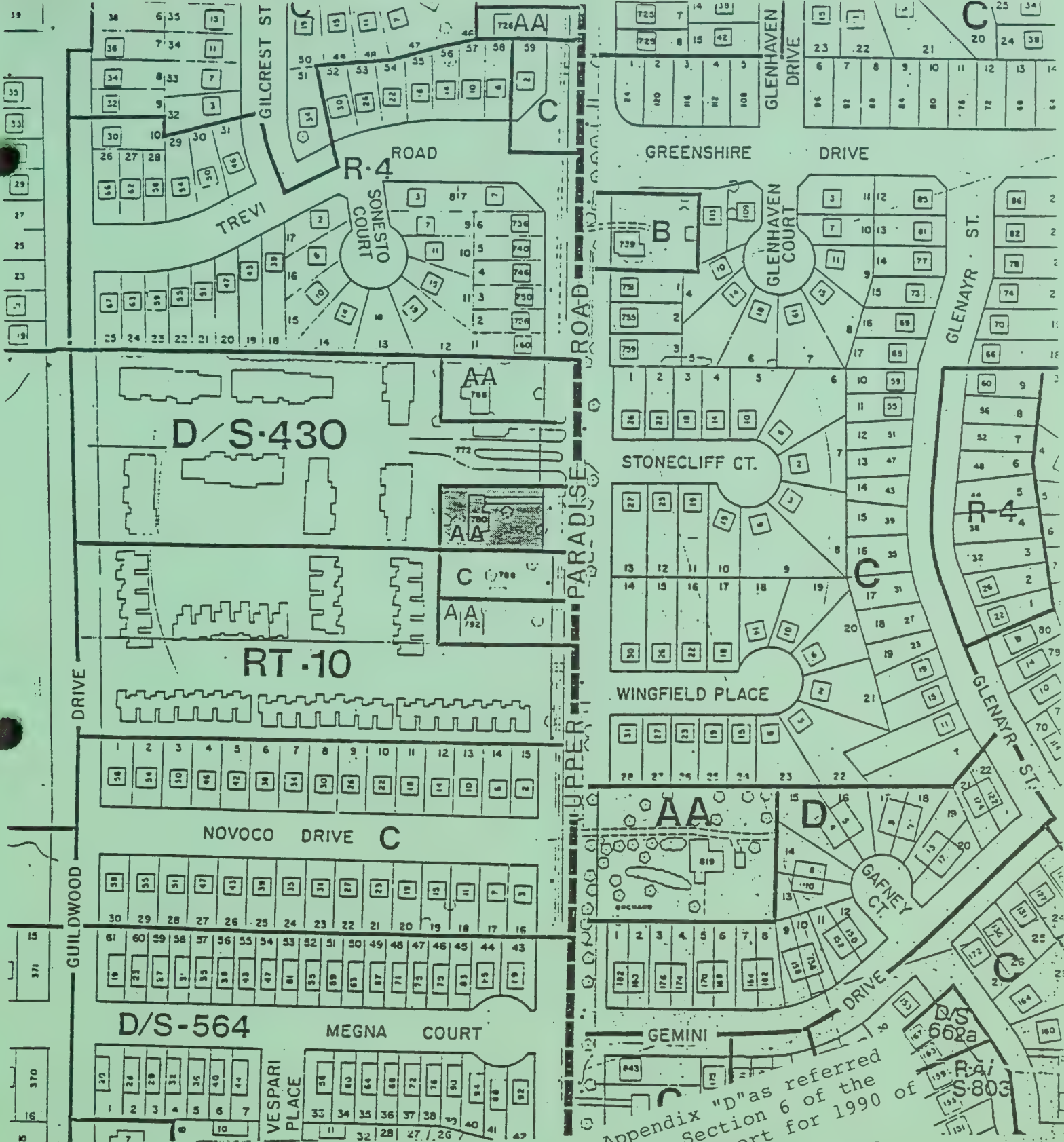
<u>Location and Existing Land Use</u>	<u>Proposed Land Use Designation</u>	<u>Existing Features</u>	<u>Proposed Improvements (and Priority)</u> <u>Short Term</u>	<u>Long Term</u>	<u>Comments</u>
West Side: Delawana Drive to Queenston Road - Eastgate Square Shopping Centre	Sub-Regional Centre	Attractive landscaping - boulevard with grass and trees; existing sidewalks	Additional shrubs (L)		The existing design is good. Perhaps slightly more trees or shrubs could be provided. Planning Department and property owners.
East Side: Delawana Drive to Queenston Road - Strip plazas	Extension of Sub-Regional Centre, including retail and offices	Very little landscaping, no sidewalks	Continuous co-ordinated urban landscape, by provision of street furniture, etc. (M); Some additional green landscaping (L).	Sidewalks (H)	Site plan control. Eliminate car parking closer to roadway. Planning Department, property owners, and by-law enforcement.
Queenston Road	Sub-Regional Centre	Standard four-way intersection		Redesign of intersection, e.g. design features of corners, arch or gate;	Queenston Road is a major point of departure which merits special landmark (as Barton St.). Design competition to refine approach. Planning and Engineering Departments.
Overall Study Area			Design guidelines to guide Zoning By-laws and Site Plan Control process. Zoning by-law amendments to regulate design. Site Plan Control. Design competition to determine details of special features; e.g., intersection improvements.		Planning and Engineering Departments to undertake preparation of guidelines, and coordinate design competition.

TABLE 11 Continued

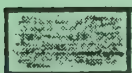
Implementation Strategy - Design Improvements

<u>Location and Existing Land Uses</u>	<u>Proposed Land Use Designation</u>	<u>Existing Features</u>	<u>Proposed Improvements (and Priority)</u>	<u>Comments</u>
			<u>Short Term</u>	<u>Long Term</u>
Both sides of Centennial: Rail Bridge to Arrowsmith Road - Industry and vacant land	Business Park/ Commercial and Light Industrial	Untidy grass and weeds on side slopes; open fence allows views of outdoor storage for industry.	Extensive planting on slopes (H+); closed fence on west side (H)	Sidewalks (H)
				Same landscaping treatment as north of Rail Bridge for slopes; site plan control. Planning and Engineering Departments.
Both sides: Arrowsmith Road to Barton Street - Mixed highway commercial uses	Extended Highway Commercial	Some properties are well landscaped, others lack landscaping, especially green plantings	Generous green plantings to be provided in a continuous fashion (H)	Sidewalks (H)
				Site plan control for new development. Planning Department, private owners.
Barton Street - Intersection with Centennial	Extended Highway Commercial	Standard four-way intersection		Redesign of intersection, e.g. design features on corners, arch or gate (M).
				Barton Street is a major point of departure which merits special landmark. Design competition to be used to refine design approach. Planning Department.
Both Sides: Barton Street to Delawana Drive except minor intersections - Mixed highway commercial uses	Extended Highway Commercial	Some well landscaped properties with trees and shrubs; others lack any landscaping.	Coordinated urban streetscape to be provided by provision of street furniture; banners, utilities, etc. (M); some additional landscaping (L).	Sidewalks (H)
				Site plan control to be required; eliminate car parking on road allowances. Planning Department and By-law enforcement.
Both Sides: Barton Street to Delawana Drive at minor intersections - Mixed highway commercial uses	Local Commercial	Most properties have minimal landscaping, few are presently used for local commercial purposes.	Spot improvements to landscaping for existing uses (M)	With redevelopment for local commercial, appropriate plaza design and landscaping to be incorporated (M); sidewalks (H)
				Site plan control Local Improvements Planning and Engineering Departments, private property owners.





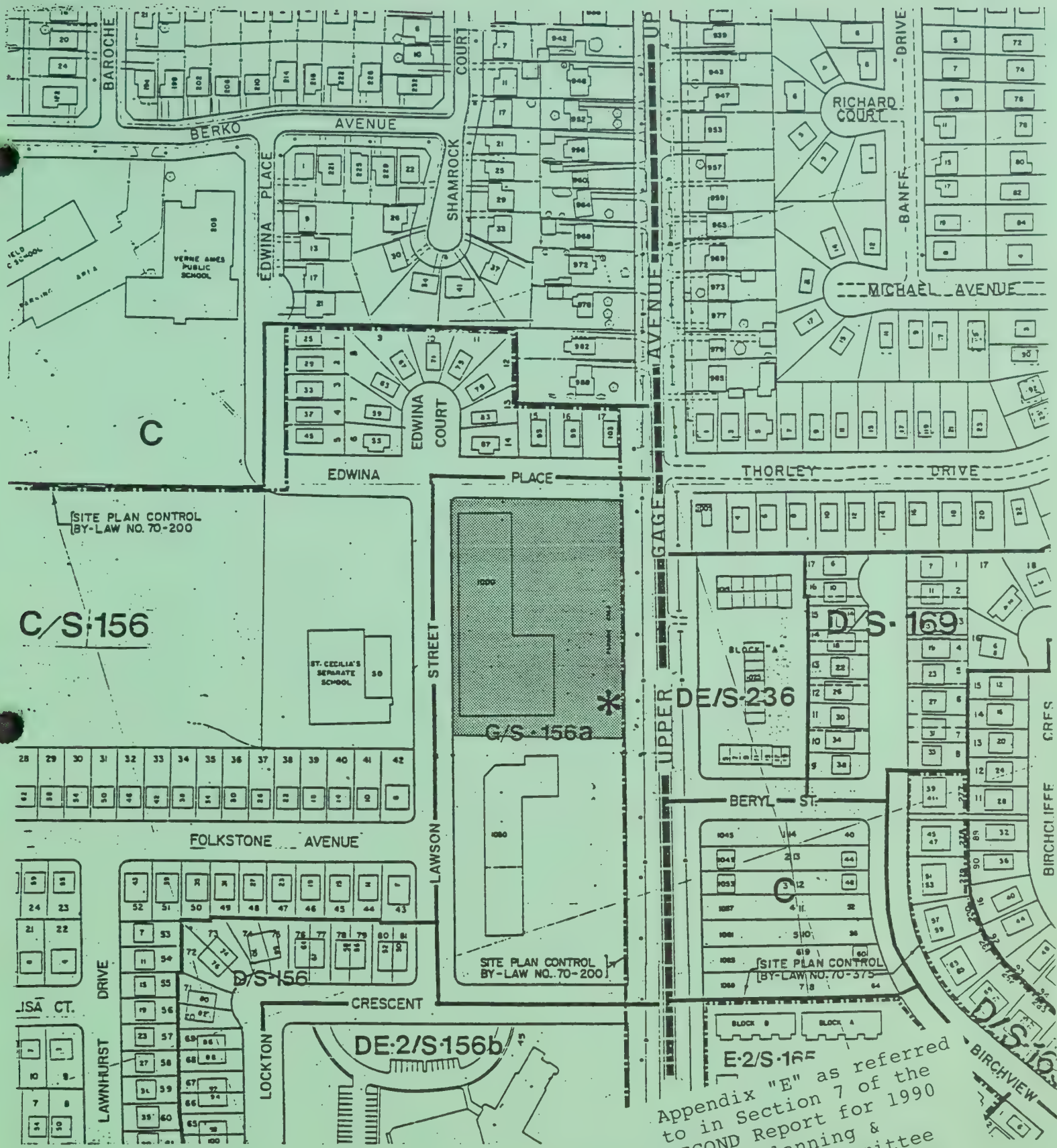
LEGEND



SITE OF THE APPLICATION

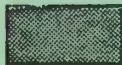
Appendix "D" as referred
to in Section 6 of the
SECOND Report for 1990 of
the Planning &
Development Committee





Legend

D-38



Site of the Application

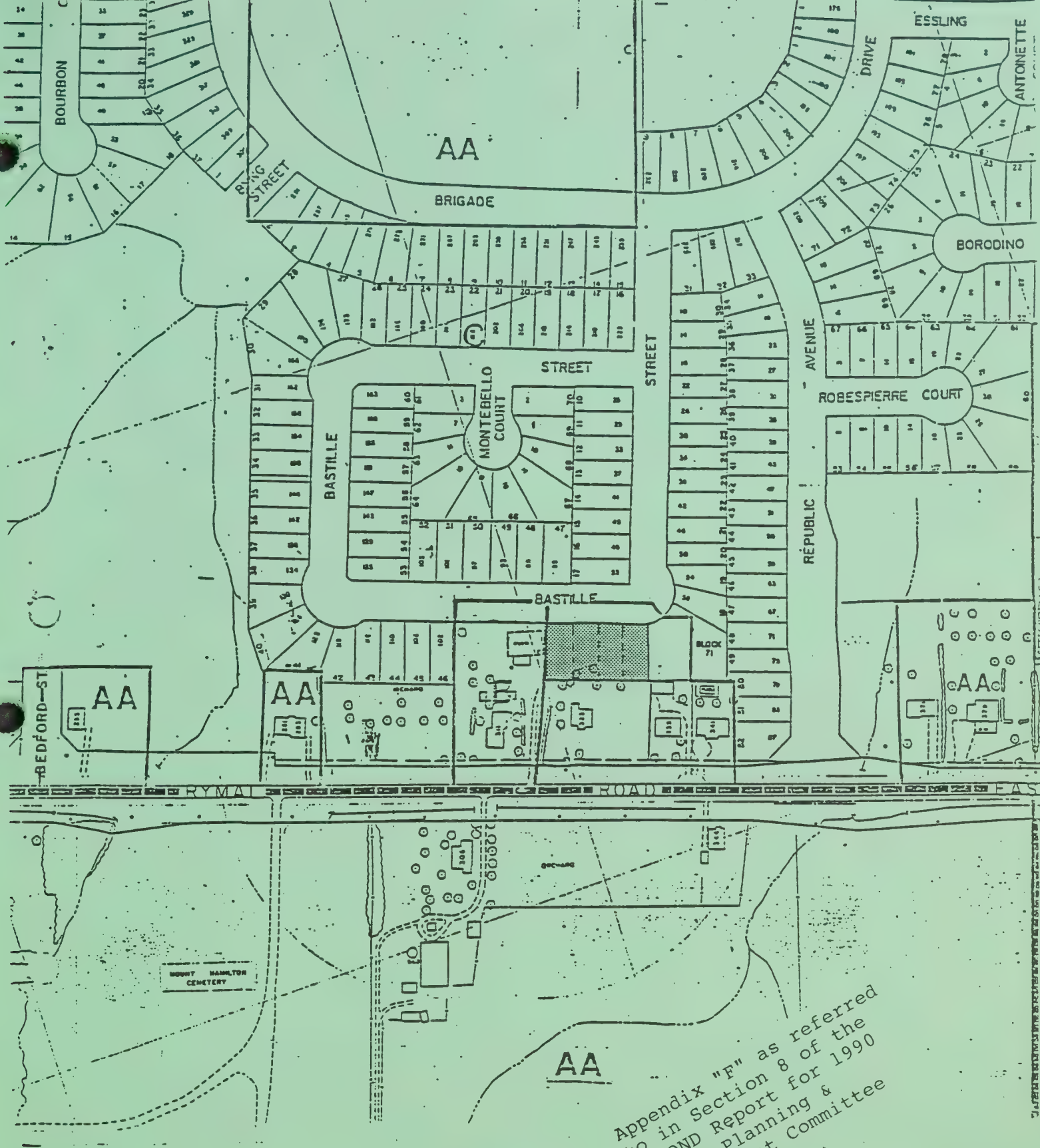


Location of Proposed Pylon Sign

Appendix "E" as referred
to in Section 7 of the
SECOND Report for 1990
of the Planning &
Development Committee

Z489-97

APPENDIX A



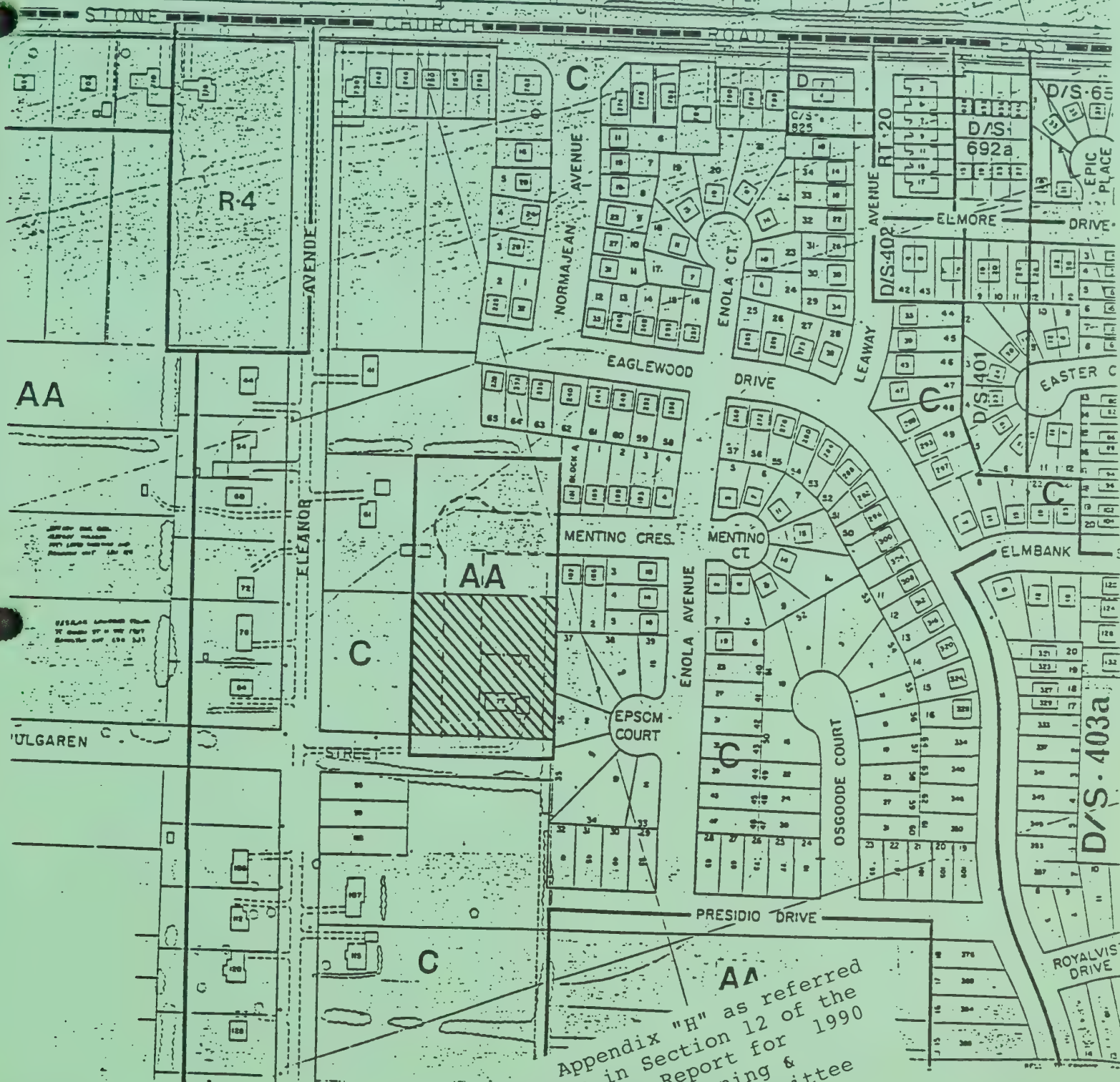
Legend



Site of the Application

Appendix "F" as referred
to in Section 8 of the
SECOND Report for 1990
of the Planning &
Development Committee





Appendix "H" as referred
to in Section 12 of the
SECOND Report for 1990
of the Planning &
Development Committee

Legend

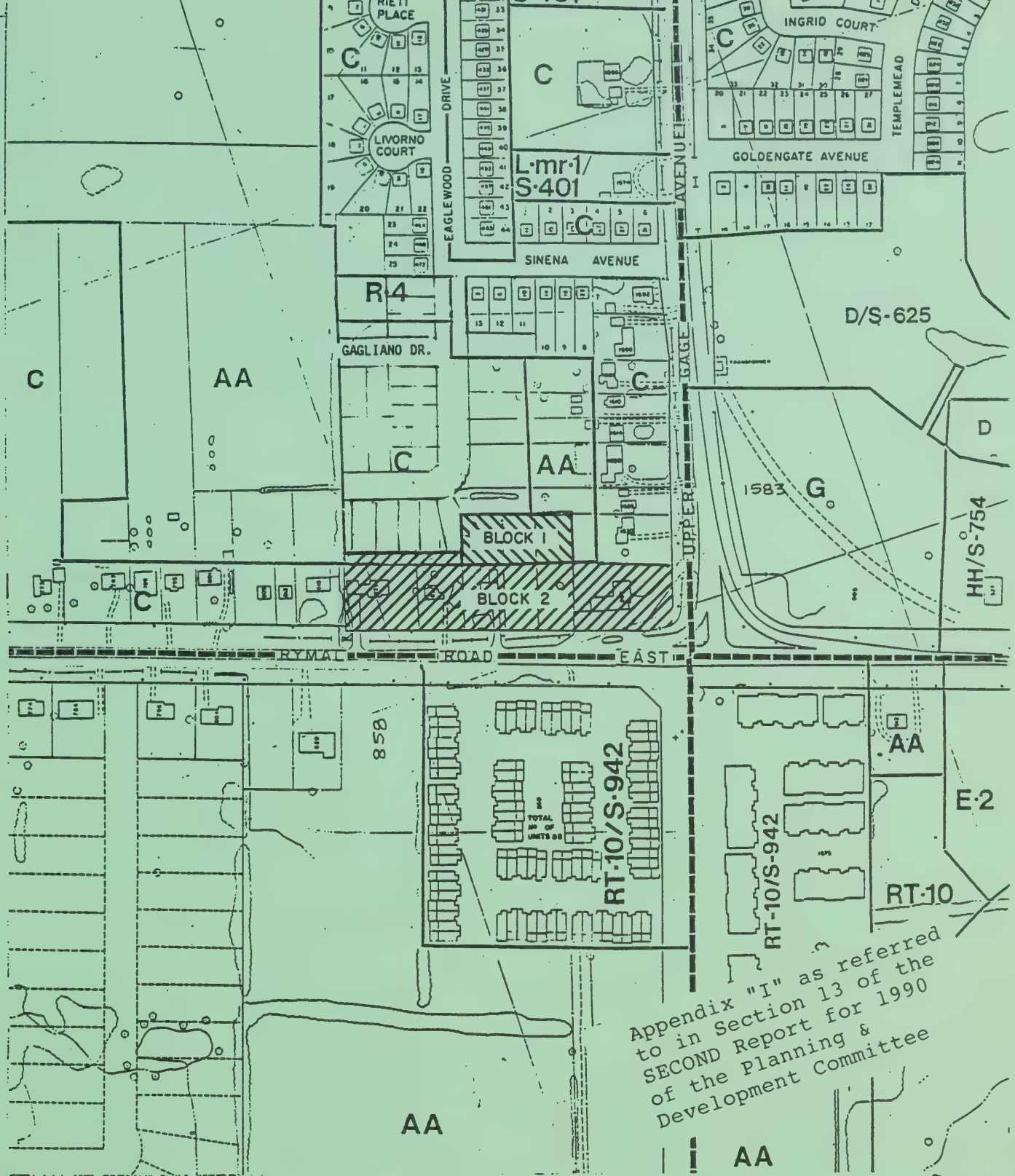


Site of the Application

D-41

ZA-89-72

APPENDIX A

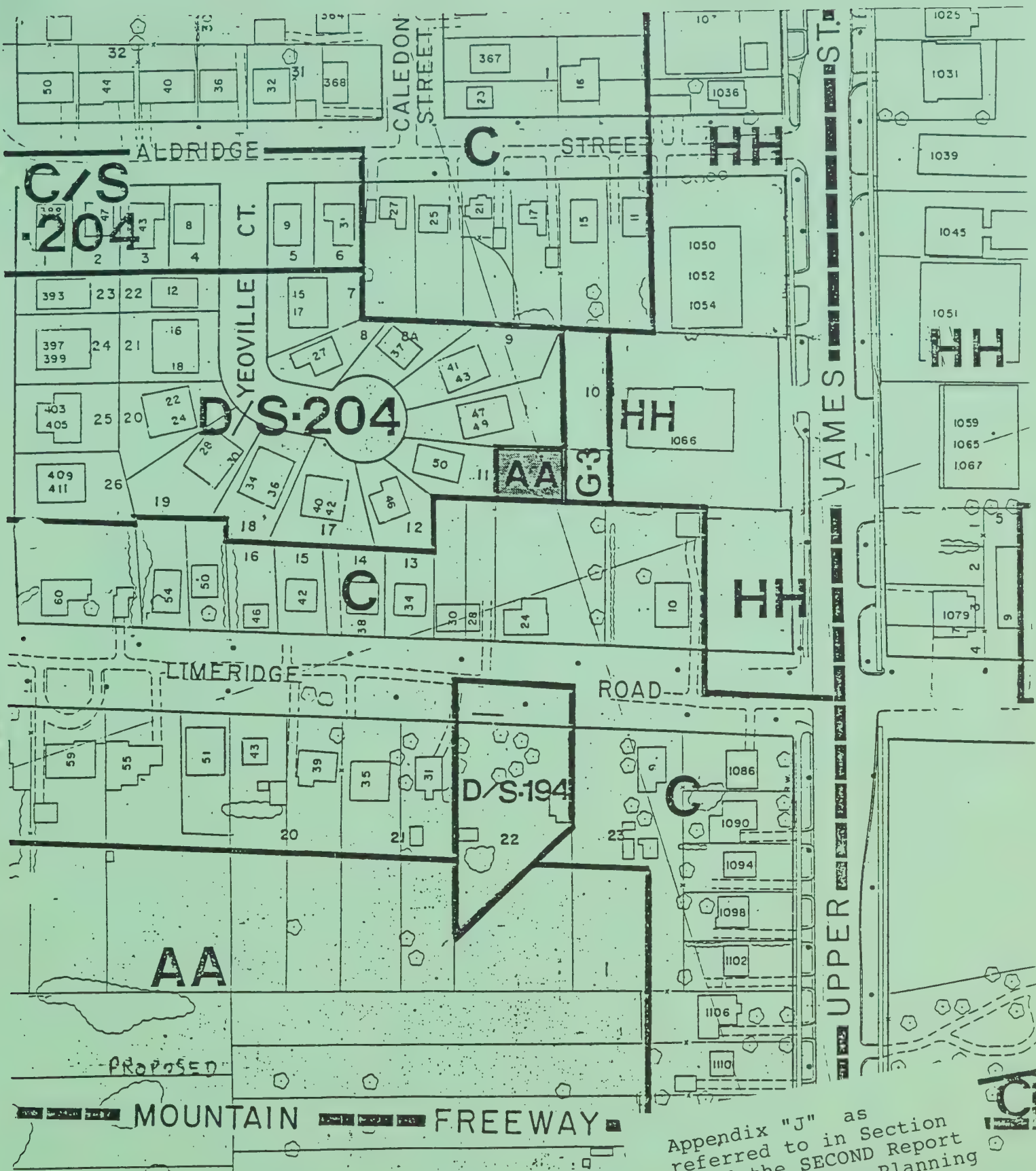


LEGEND
PROPOSED CHANGE IN ZONING FROM :

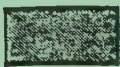


"AA" (AGRICULTURAL) DISTRICT TO "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT.

"C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT.



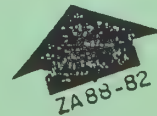
Legend



Site of the Application

D-43

Appendix "J" as referred to in Section 14 of the SECOND Report for 1990 of the Planning & Development Committee



APPENDIX B 15

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its THIRD Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:

- (a) 230 Eleanor Avenue
- (b) 74 Melbourne Street
- (c) 401 Sherman Avenue North
- (d) 91 Arbour Road
- (e) 30 Queensdale Avenue West
- (f) 337 East Avenue North
- (g) 1198 Stone Church Road East

2. That the City Solicitor be authorized to amend By-law 87-312 as follows:

- (a) That Section 6(a) be amended by adding the name:
Wak-Kuen Wong, P. Eng.
- (b) That Section 8(a) be amended by deleting the name:
Wak-Kuen Wong, P. Eng.
- (c) That Section 9(a) be amended by deleting the name:
Gerald N. Farrell
- (d) That Section 9(a) be amended by adding the names:
Natalie Gould
Glen McCrory

NOTE: Due to recent changes in the staff of the Building Department, By-law 87-312 respecting the Appointment of Inspectors needs to be amended to accommodate these changes.

3. That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 211-229 Lanark Street, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed instrument #103418 A.B. registered 1968 September 4.

NOTE: In adopting Section 37 of the Board of Control Report, City Council on 1968 February 27, authorized the sale of Lot 6, Registered Plan 1309 to Louis Filo. The transaction was completed on 1968 September 4. The proposed building was completed.

All the covenants as noted above have been fulfilled.

4. (a) That a By-law to expropriate, under Section 34(8) of The Planning Act, 1983, lands and structures which do not conform with a by-law passed under Section 34 which land is described as Parts 1, 2 and 4 together with a right-of-way over Part 3 on Survey 62R-10267 (measuring approximately 30.08 feet by 93.39 feet) be enacted by Council.
- (b) That the City Solicitor be directed to prepare the appropriate By-law for presentation to City Council.

NOTE: As authorized by Council at its meeting of 1989 June 27, Notice of the City's intention to expropriate this land has been advertised and served upon all persons having an interest in this land and no request for an inquiry hearing into the proposed expropriation has been received.

The next step in this expropriation under The Expropriations Act is for Council to enact the Expropriation By-law which will authorize the registration of the City's Expropriation Plan. This land is required to remove residential uses from the Industrial areas in the Alpha Enclave.

5. That approval be given to Proposed Draft Plan of Condominium Application SA-89-20 "Pigott and Sunlife Buildings", Reemark Heritage Gardens Limited, owner, to establish a draft plan of condominium located on the north-westerly corner of James Street and Main Street, subject to the following conditions:
 - (a) That this approval apply to the plan prepared by Yates & Yates, O.L.S., dated 1989 May 5.
 - (b) That the owner agree in writing to satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.

6. That approval be given to Proposed Draft Plan of Condominium Application SA-89-30 "Kingsmount Place II", T. Valeri Construction Ltd., owner, to establish a draft plan of condominium located on the south side of Rymal Road East and west of Derby Street, subject to the following conditions:
 - (a) That this approval apply to the plan prepared by J. D. Barnes Limited, dated 1989 October 17, showing 47 townhouse units.
 - (b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.
7. That approval be given to Proposed Draft Plan of Condominium Application SA-89-32, T. Valeri Construction Limited, owner, to establish a draft plan of condominium located at the south-west corner of Rymal Road East and Derby Street, subject to the following conditions:
 - (a) That this approval to the plan prepared by J. D. Barnes Limited, dated 1989 October 10, showing 50 townhouse units.
 - (b) That the owner agree, in writing, to satisfy the financial requirements with the Regional Municipality of Hamilton-Wentworth.
8. That approval be given to Proposed Draft Plan of Condominium Application SA-89-33, T. Valeri Construction Limited, owner, to establish a draft plan of condominium located at the north side of Ossington Drive, subject to the following conditions:
 - (a) That this approval apply to the plan prepared by J. D. Barnes Limited, dated 1989 October 10, showing 20 townhouse units.
 - (b) That the owner agree, in writing, to satisfy the financial requirements with the Regional Municipality of Hamilton-Wentworth.
9. That approval be given to Proposed Draft Plan of Condominium Application SA-89-31 "Stone West Village", West Highland Management Limited, owner, to establish a draft plan of condominium located on the north easterly corner of West 5th Street and Stone Church Road, subject to the following conditions:
 - (a) That this approval apply to the plan prepared by J. D. Barnes, O.L.S., dated 1989 October 30 showing 71 townhouse units.
 - (b) That the owner convey the 5.18m road widenings on West 5th Street and Stone Church Road and the daylight triangle to the Regional Municipality of Hamilton-Wentworth.
 - (c) That the owner agree, in writing, to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

10. (a) That the City of Hamilton adopt a by-law to remove part-lot control from Lots 1 to 30, 53 to 67, 69 to 138, inclusive, and Block 140 of Registered Plan 62M-639.
- (b) That the City Solicitor be directed to prepare the appropriate By-law for presentation to City Council.
- (c) That the Regional Municipality of Hamilton-Wentworth be requested to approve the by-law removing part-lot control on the above noted lots and block of Registered Plan 62M-639.
- (d) That the by-law be repealed within 6-months of the date of its registration.

NOTE: The lands are located south of Rymal Road East and east of Upper Gage Avenue in the Broughton East Neighbourhood, City of Hamilton. The lands are part of Lillian Heights, a plan of subdivision which was registered in part as R.P.M-639.

11. That the Regional Municipality of Hamilton-Wentworth be requested to grant a one year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).
12. That the following recommendations of the Central Area Plan Implementation Committee be approved:
 - (a) That the proposed reconstruction of James Mountain Road be delayed until such time as a study assessing the proposed improvements in the overall context of City-wide transportation needs is carried out.
 - (b) That special design attention be paid to the aesthetic and environmental quality of James Mountain Road within its Niagara Escarpment setting.
 - (c) That the report of C.A.P.I.C. and attachments be forwarded to the Regional Engineering Services Committee.
13. (a) That approval be given to designate by By-law the MacNab-Charles Heritage Conservation District (the block bounded by MacNab Street South, Hurst Place, Charles Street and Bold Street with the exception of 131 Charles Street) under Part V of the Ontario Heritage Act.
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this district designated pursuant to the provisions of the Ontario Heritage Act 1983.
- (c) That the MacNab-Charles Heritage Conservation District Plan be approved.

NOTE: A Copy of the MacNab-Charles Heritage Conservation District Plan was circulated to members of the Planning and Development Committee. Additional copies are available from the Committee Secretary upon request.

14. That approval be given to Zoning Application 89-54, Dunston Development Inc., owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit a plumbing contractor with accessory office, general contractor with accessory sales offices, and manufacturing of solariums, solarium windows, and greenhouses with accessory sales office, for the property located at No. 1527 Upper Ottawa Street, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 17D(1)(c), the following additional industrial uses shall be permitted:

<u>Industrial Use</u>		<u>S.I.C. Identification</u>
(1.)	Single-Family Housing Development	4011
(2.)	Apartment and Other Multiple Housing Development	4012
(3.)	Residential Renovation	4013
(4.)	Manufacturing and Light Industrial Building	4021
(5.)	Commercial Building	4022
(6.)	Institutional Building	4023
(7.)	Septic System Installation	4213
(8.)	Excavating & Grading	4214
(9.)	Form Work	4222
(10.)	Concrete Pouring & Finishing	4224
(11.)	Precast Concrete Installations	4225
(12.)	Rough & Framing Carpentry	4226
(13.)	Masonry Work	4231
(14.)	Siding Work	4232
(15.)	Insulation Work	4234
(16.)	Roof Shingling	4235
(17.)	Other Exterior Close-In Work	4239
(18.)	Plumbing	4241
(19.)	Dry Heating & Gas Piping Work	4242
(20.)	Wet Heating & Air Conditioning Work	4243
(21.)	Sheet Metal & Other Duct Work	4244
(22.)	Electrical Work	4261
(23.)	Plastering & Stucco Work	4271
(24.)	Drywall Work	4272

(25.)	Acoustical Work	4273
(26.)	Finish Carpentry	4274
(27.)	Painting & Decorating Work	4275
(28.)	Terrazzo & Tile Work	4276
(29.)	Hardwood Flooring Installation	4277
(30.)	Resilient Flooring & Carpet Work	4278
(31.)	Other Interior & Finishing Work	4279

(ii) Notwithstanding Section 17D(1)(c), the following additional industrial use shall be permitted in addition to the uses listed in clause (i) above:

(1.) Manufacturing of solariums, solarium windows and greenhouses.

(iii) That notwithstanding Section 17D(2)(h) outdoor storage shall be prohibited.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1159, and that the subject lands on Zoning District Map E-59D be notated S-1159;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That the Mountain Industrial Neighbourhood Plan be amended by redesignating the subject lands from "Restricted Commercial-Industrial" to "Restricted Industrial".

NOTE: The purpose of the by-law is to provide for a modification to the "M-12" (Prestige Industrial) District regulations, for the property located at 1527 Upper Ottawa Street.

The effect of the by-law is to permit additional industrial uses as noted above.

In addition, the by-law prohibits outside storage.

- 15. That approval be given to Zoning Application 89-112, Starward Homes Limited, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single-family dwellings by adding these lands to the lands to the west, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council.
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for the property located at 244 Stone Church Road West.

The effect of the by-law is to permit the development of the subject lands for single-family dwellings by adding these lands to the lands to the west (Orchard Park Plan of Subdivision).

16. That approval be given to Zoning Application 89-66, 804907 Ontario Limited, (Ming Sun Holdings Inc.) owner, requesting a modification to the established "M-12" (Prestige Industrial) District, for property located at 1575 Upper Ottawa Street, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 17D(1)(b) of By-law No. 6593 the following Commercial uses shall be permitted:

<u>Commercial Use</u>	<u>S.I.C. Identification</u>
(1.) Tire, Battery, Parts and Accessories Store	6342
(2.) Garages (General Repairs)	6351
(3.) Muffler Replacement Shops	6353
(4.) Motor Vehicle Glass Replacement Shops	6354
(5.) Motor Vehicle Transmission Repair and Replacement Shops	6355
(6.) Other Motor Vehicle Repair Shops	6359
(7.) Other Motor Vehicle Services n.e.c.	6399

- (ii) That notwithstanding Section 17D(2)(h) of By-law No. 6593 outside storage shall be prohibited.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1157, and that the subject lands on Zoning District Map E-59D be notated S-1157;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and
- (e) That the Mountain Industrial Area Neighbourhood Plan be amended by redesignating the subject lands from "Restricted Industrial/Commercial" to "Restricted Commercial".

NOTE: The purpose of the By-law is to provide for a modification to the "M-12" (Prestige Industrial) District for property located at 1575 Upper Ottawa Street.

The effect of the By-law is to permit the following additional automotive related commercial uses:

<u>Commercial Use</u>	<u>S.I.C. Identification</u>
(a) Tire, Battery, Parts and Accessories Store	6342
(b) Garages (General Repairs)	6351
(c) Muffler Replacement Shops	6353
(d) Motor Vehicle Glass Replacement Shops	6354
(e) Motor Vehicle Transmission Repair and Replacement Shops	6355
(f) Other Motor Vehicle Repair Shops	6359
(g) Other Motor Vehicle Services	6399
n.e.c.	

In addition, the By-law prohibits outside storage.

- 17. (a) That approval be given to an amended Zoning Application 89-84, 518374 Ontario Ltd., (Angelo Papastamos) owner, for a modification to the established "AA" (Agricultural) District to permit conversion of the existing building from a legal non-conforming auto-body business to a retail variety store on the first floor and business and professional persons offices on the second floor, for property located at 1314 Upper Wentworth Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (1.) That notwithstanding Section 7A(1), the following uses shall be permitted:

Commercial Uses only within the Existing Building:

- (a) A retail variety store;
- (b) Business and professional person's office.

Accessory Use:

- (a) For each establishment, a window sign or an outdoor advertising or other sign of the kind known as a wall sign, of an area of not more than 2.5 square metres (26.91 square feet), not overhanging a highway and not extending more than 5.0 metres (16.40 feet) above grade or more than 1.0 metres (3.28 feet) above the top of the first storey of the building to which the same is attached, whichever is the higher, provided that not more than one such sign shall be permitted facing each street upon which each establishment abuts; and provided further that no such sign shall be illuminated otherwise than by non-flashing indirect lighting.
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1158, and that the subject lands on Zoning District Map E-18C be notated S-1158;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
 - (v) That By-law No. 79-275 as amended by By-law No. 87-223 establishing Site Plan control be amended by adding the lands shown on the attached map marked as Appendix "D" to Schedule "A".
- (b) That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

NOTE: The purpose of this By-law is to provide for a modification to the established "AA" (Agricultural) District regulations for property located at 1314 Upper Wentworth Street.

The effect of the By-law is to permit conversion of the existing building from that of a legal non-conforming auto-body business to a retail variety store on the ground floor and, business and professional offices on a second floor. The height of the building is such that it would lend itself to the introduction of a second floor.

In addition, the By-law provides for accessory signage.

18. That approval be given to amended Zoning Application 89-102, Carmen Chiaravalle and Anthony Lemmelo, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified for lands described as Block "1" and a modification to the "C" (Urban Protected Residential, etc.) District regulations for land described as Block "2", to create four single-family dwelling building lots, for property located on the east side of Upper Sherman Avenue north of Limeridge Road East, as shown on the attached map marked as Appendix "E", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the "C" (Urban Protected Residential, etc.) District regulations contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2", be modified to include the following as special provisions:
 - (i) That notwithstanding Section 9(3) of Zoning By-law No. 6593, no building shall be permitted within 5 metres of the southerly lot line adjoining Limeridge Road East;
 - (ii) That notwithstanding Section 9(4) of Zoning By-law No. 6593, the most northerly three lots shall have a minimum lot area of 330m² each;
 - (iii) Access to Lot 4 (Appendix "F") shall be restricted to Limeridge Road East only and shall be approximately 3m from the easterly lot line and shall be at least 3m from the daylight triangle; and,
 - (iv) Access to Lot 3 (Appendix "F") shall be on the north limit of the lot to Upper Sherman Avenue.
 - (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1160, and that the subject lands on Zoning District Maps E-38A and E-38B be notated S-1160;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38A and E-38B for presentation to City Council:

- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the Lawfield Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Single and Double Residential".

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified for lands described as Block "1", and a modification to the "C" (Urban Protected Residential, etc.) District regulations for lands described as Block "2".

The effect of the proposed change in zoning is to divide the subject land into four (4) building lots for single-family detached dwellings. In addition, the By-law provides for the following as special requirements:

- (a) The three northern lots shall have a minimum lot area of 330 square metres each, whereas 360m² is required;
- (b) No building shall be permitted within 5 metres of the southern lot line (i.e. Limeridge Road East);
- (c) Access to the southern lot shall be restricted to Limeridge Road East and shall be at least 3m from the easterly lot line and at least 3m from the daylight triangle at the corner of Upper Sherman Avenue and Limeridge Road East; and,
- (d) Access to Lot 3 shall be at the north limit of the lot to Upper Sherman Avenue.

19. That approval be given to Zoning Application 89-119, Lynn Mitges and Anna McCusker, owners, requesting a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to permit a flower shop and an office, for property located at 65 Walnut Street South, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of Zoning By-law No. 6593, as amended by By-law No. 85-213, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 11A(1)(iii) of Zoning By-law No. 6593, a flower shop shall be permitted;
 - (ii) That notwithstanding Section 11A(1)(iii)(g) of Zoning By-law No. 6593, the storage of materials shall be permitted and shall occupy no more than one-half the floor area;

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-927a, and that the subject lands on Zoning District Map E-5 be notated S-927a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at 65 Walnut Street South.

The effect of this By-law is to permit a flower shop and office within the existing building. In addition, the by-law provides, as a special provision, that the storage of materials shall occupy not more than one-half of the floor area of the building.

- 20. That the Chairman, or his designate, be authorized to attend the 1990 National Planning Conference of the American Planning Association to be held in Denver, Colorado on 1990 April 21-25.

- 21. That leave be granted to introduce the following Bills:

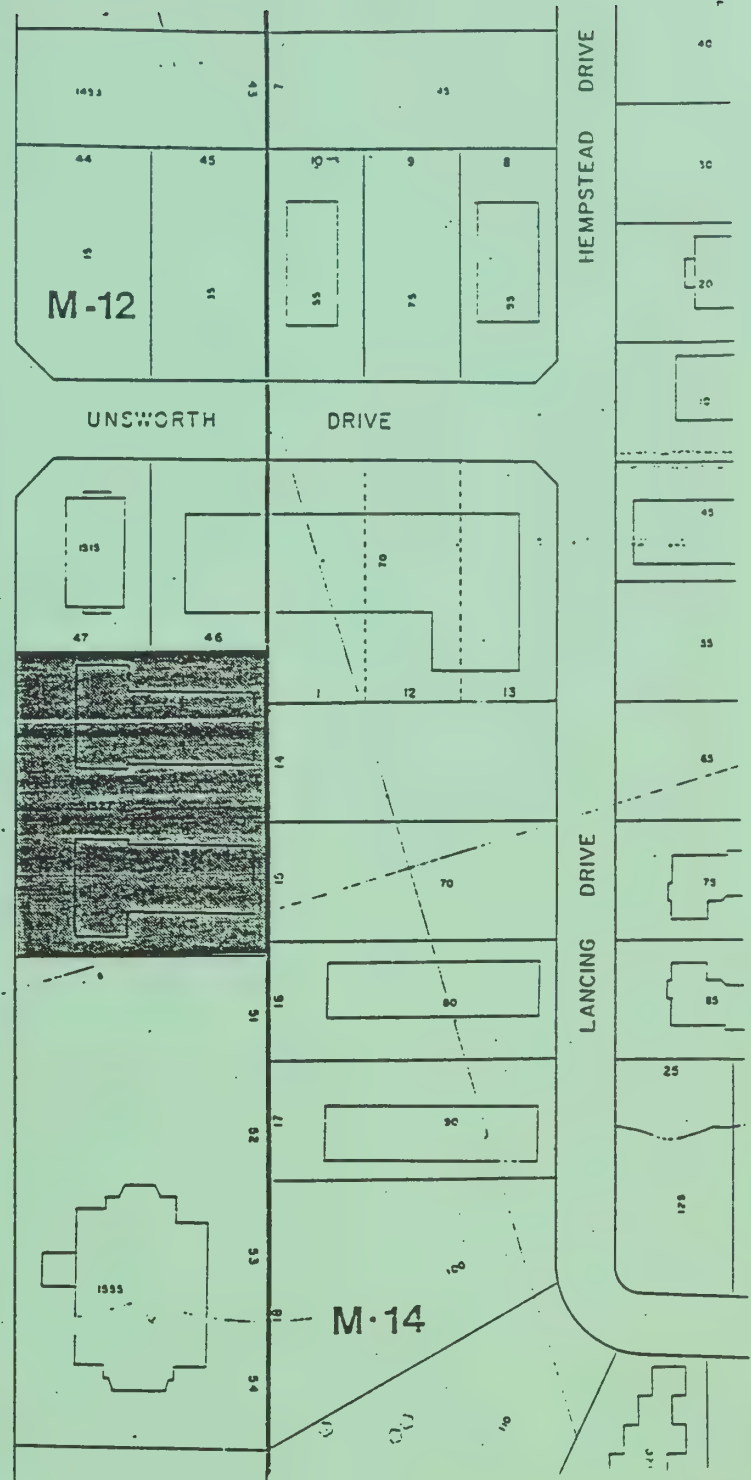
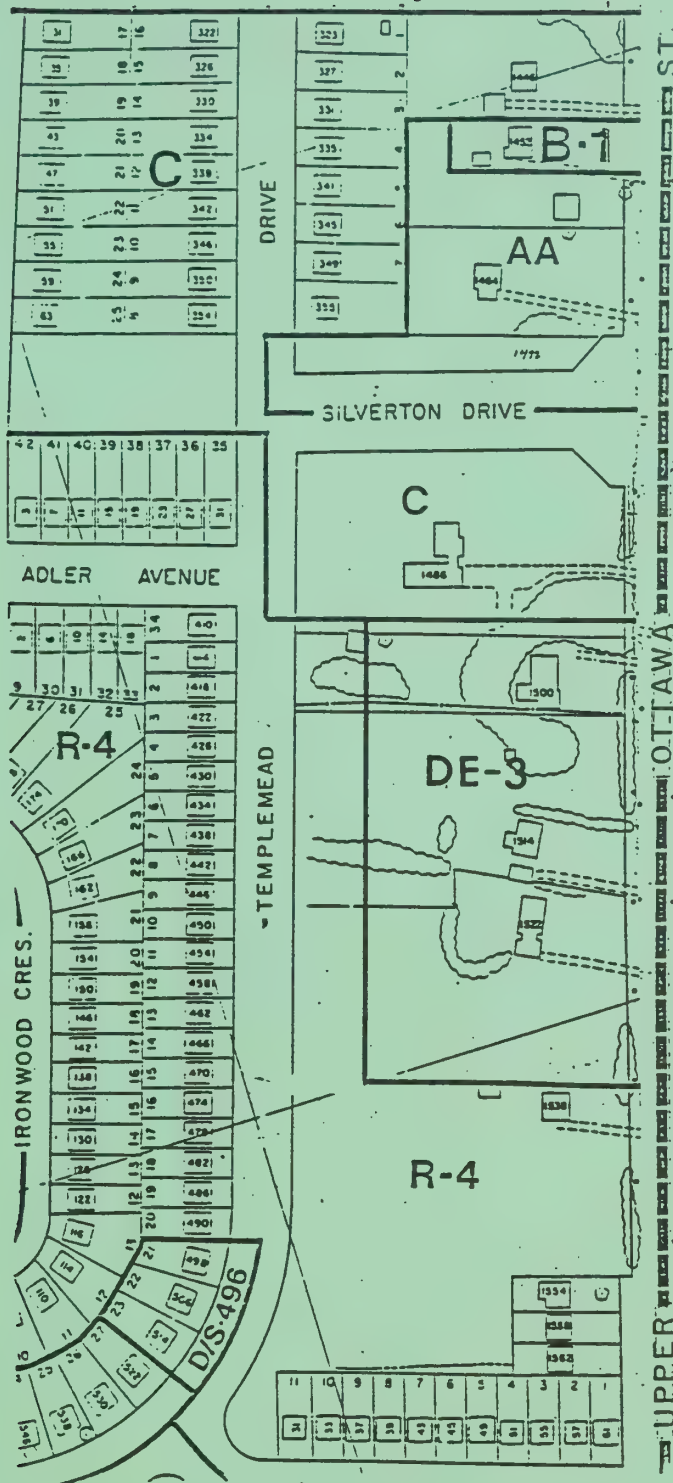
- (a) Bill D-11 A By-law to amend By-law No. 87-312 as amended by By-law No. 88-170, By-law No. 89-95, By-law No. 89-217 and By-law No. 89-247 respecting Appointment of Building Inspectors pursuant to The Building Code Act, R.S.O. 1980, c.51.
- (b) Bill D-12 A By-law to adopt Official Plan Amendment No. 83 respecting lands located south of the C.N.R. Railway and east of Centennial Parkway North, within the Lakely Neighbourhood.
- (c) Bill D-13 A By-law to amend Zoning By-law No. 6593 respecting lands located south of the C.N. Railway tracks, east of Centennial Parkway North.
- (d) Bill D-14 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 1066 Upper James Street and to repeal By-law No. 89-365.
- (e) Bill D-15 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 16-20 Wellington Street North and 15-27 West Avenue North.

- (f) Bill D-16 A By-law to establish Site Plan Control respecting lands located at Municipal Nos. 16-20 Wellington Street North and 15-27 West Avenue North.
- (g) Bill D-17 A By-law to designate land located at Municipal No. 96 James Street South as property of Historic and Architectural Value and Interest.
- (h) Bill D-18 A By-law to designate lands located at Municipal Nos. 72 and 74 George Street as property of Historic and Architectural Value and Interest.
- (i) Bill D-19 A By-law to expropriate lands that do not conform with by-laws passed under Section 34 of The Planning Act, S.O. 1983, Chapter I.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 January 24th



Legend

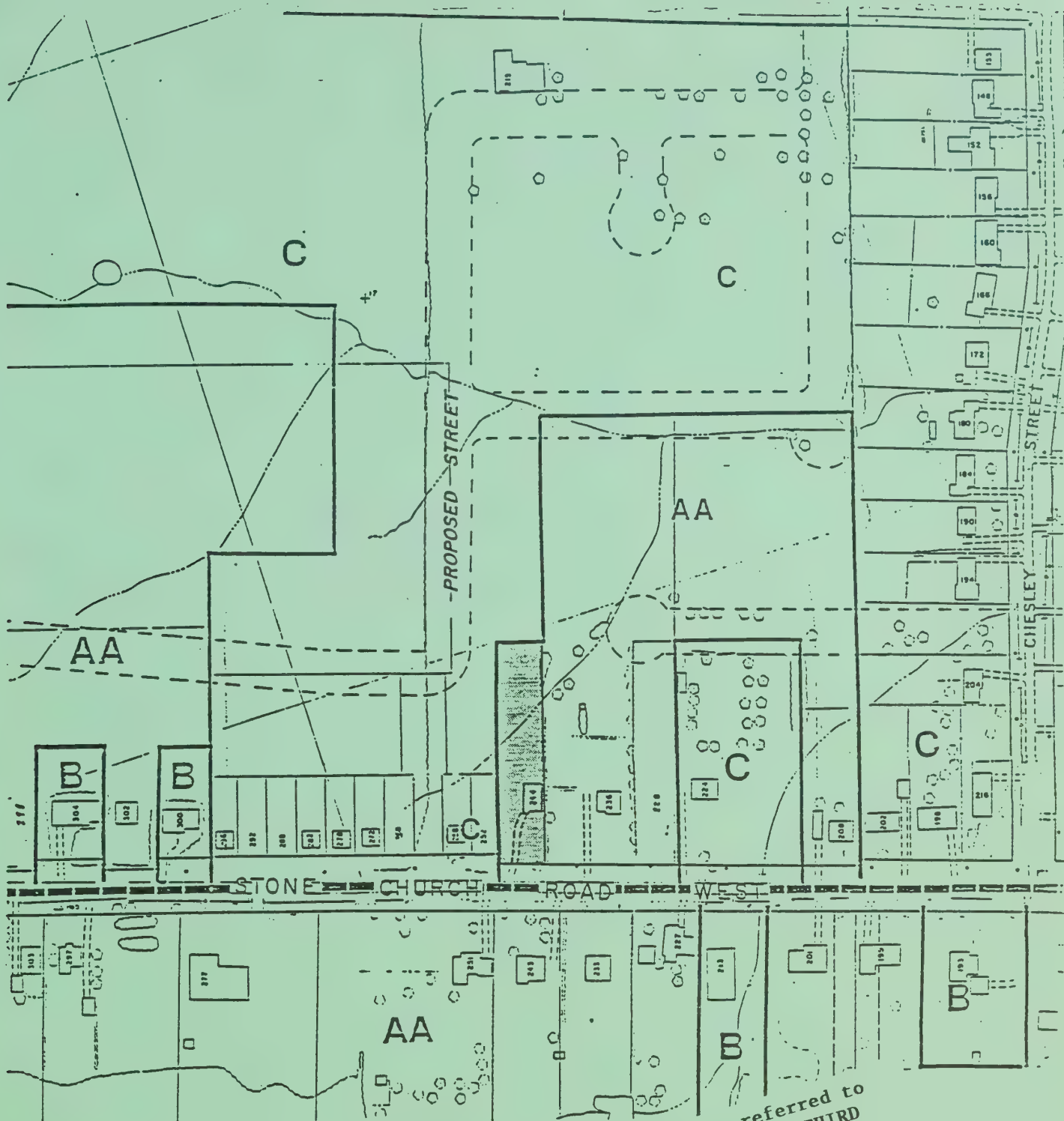


Site of the Application

Appendix "A" as referred to in Section 14 of the THIRD Report for 1990 of the Planning and Development Committee



APPENDIX A



LEGEND

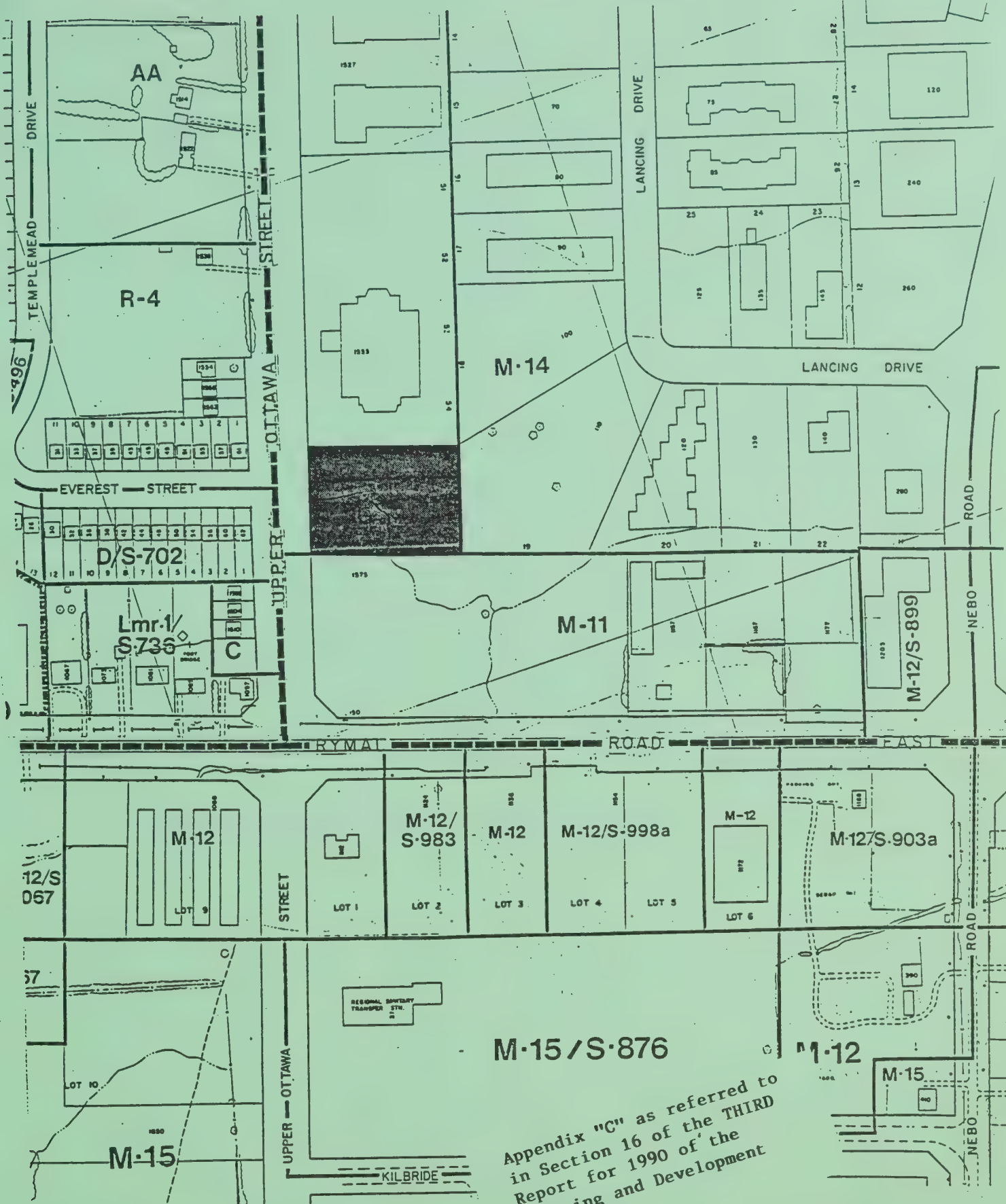


SITE OF THE APPLICATION

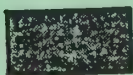
Appendix "B" as referred to
in Section 15 of the THIRD
Report for 1990 of the
Planning and Development
Committee



ZA 89-112

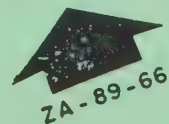


LEGEND



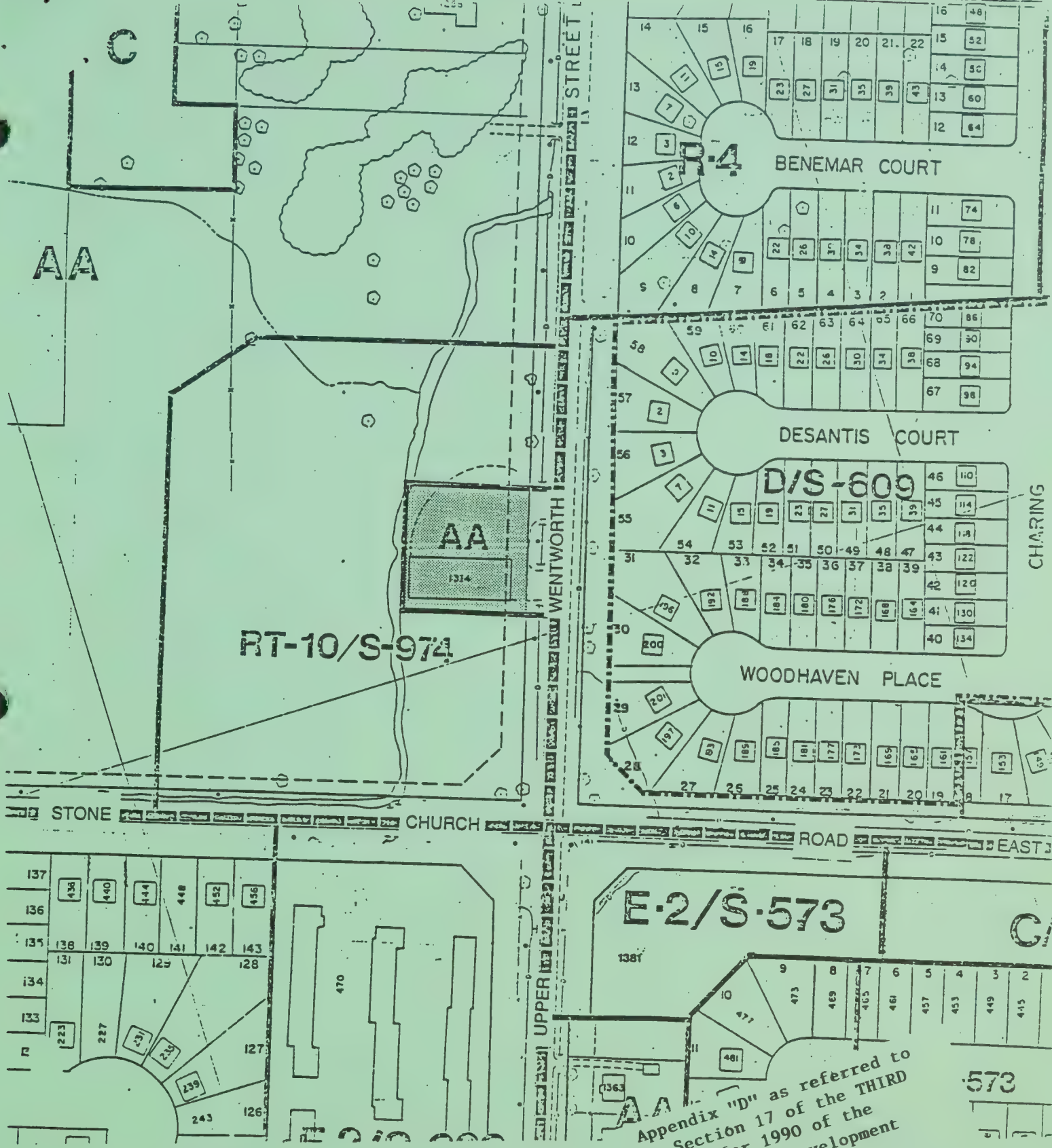
SITE OF THE APPLICATION

Appendix "C" as referred to
in Section 16 of the THIRD
Report for 1990 of the
Planning and Development
Committee

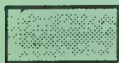


D-59

APPENDIX A

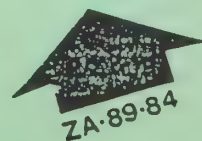


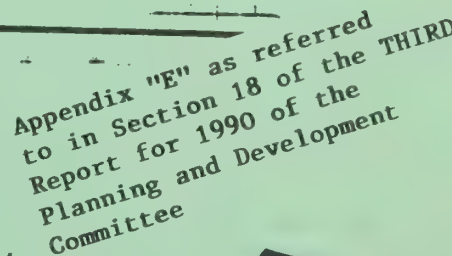
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Site of the Application

Appendix "D" as referred to
in Section 17 of the THIRD
Report for 1990 of the
Planning and Development
Committee





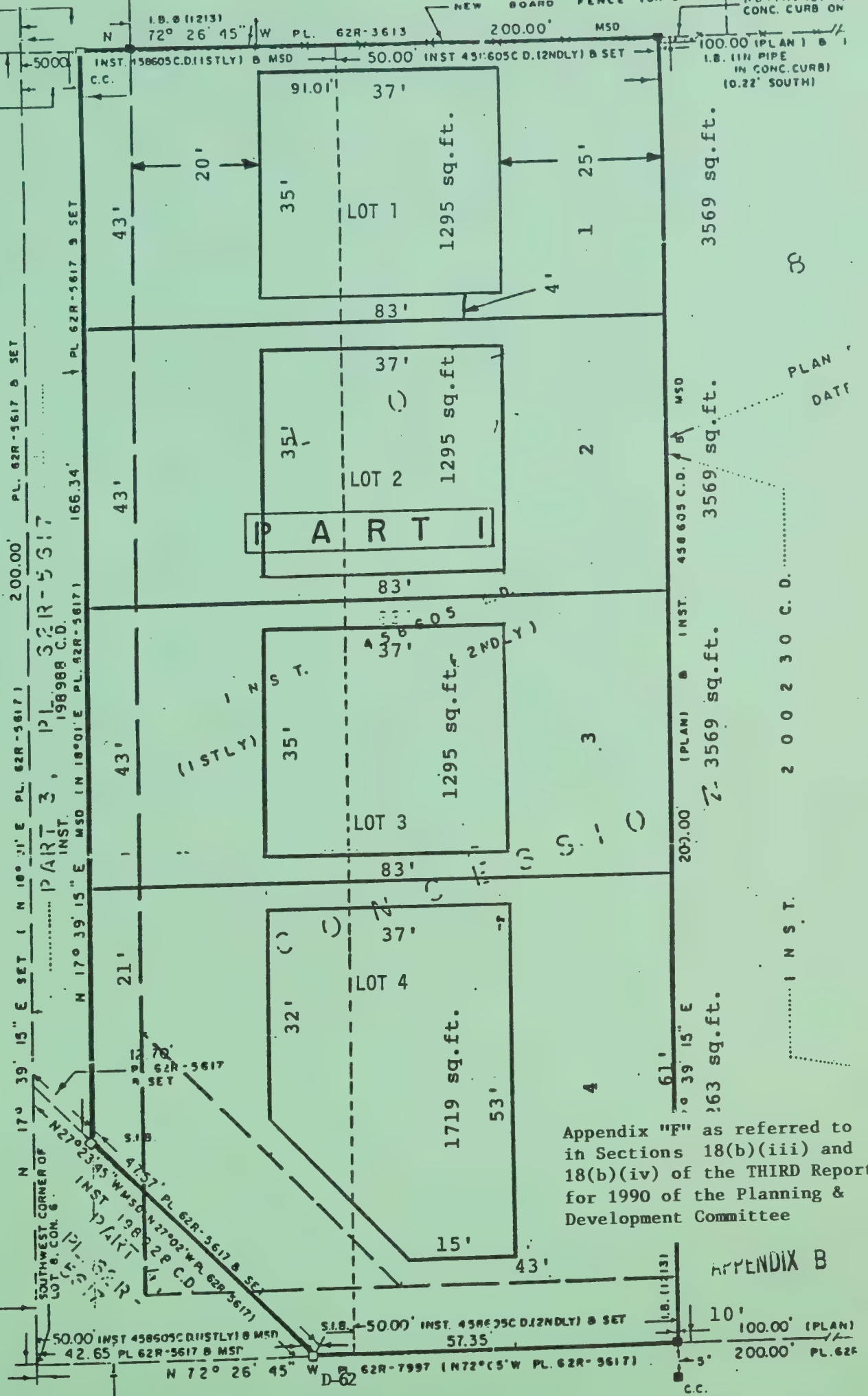
UPPIER

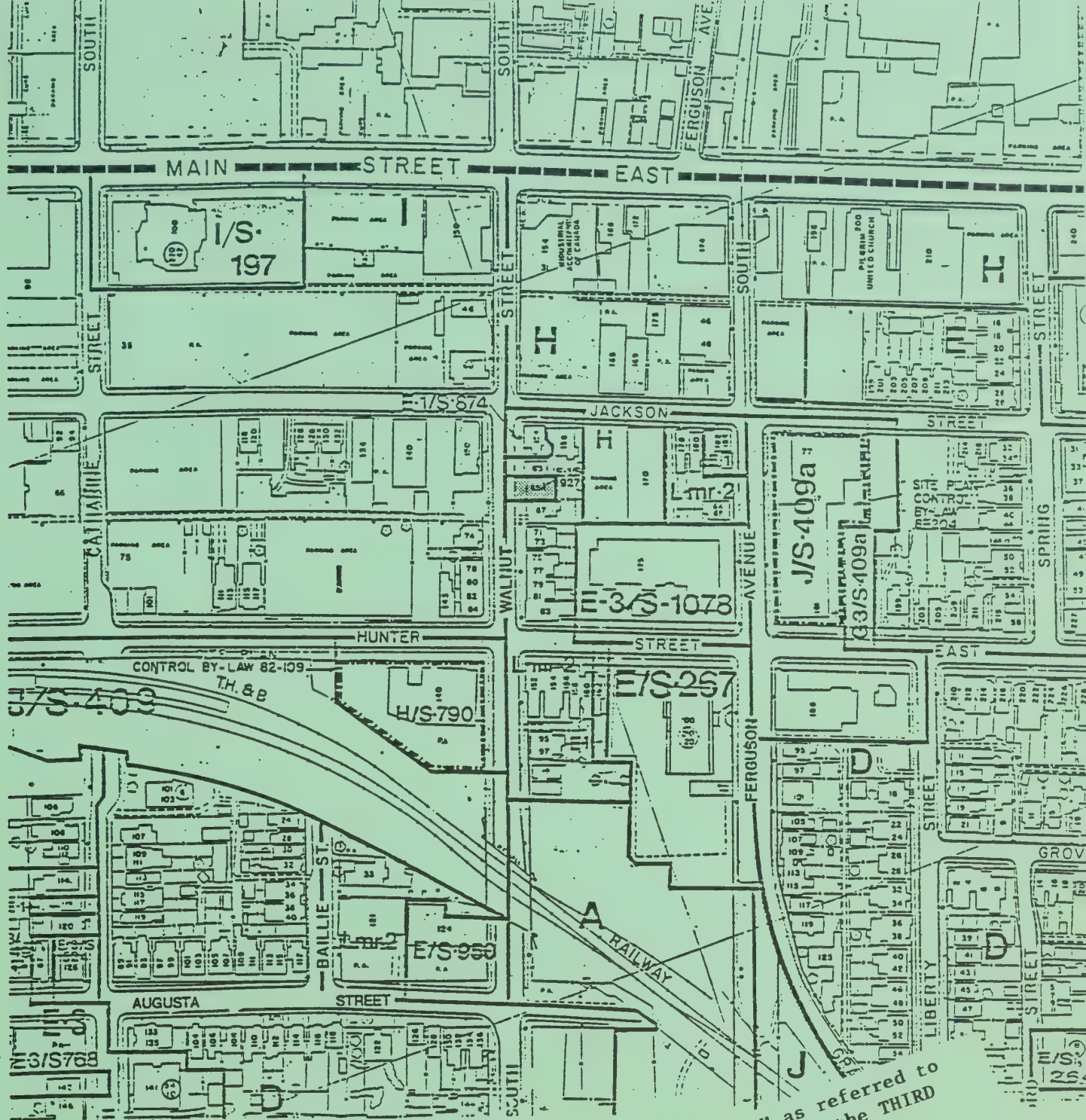
SHERMAN

AVENUE

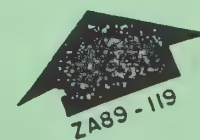
(ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 4 & 3)

(N 72° 15' W
PL 62R-5617)
8.99'
PL 62R-5617
B SET





Appendix "G" as referred to
in Section 19 of the THIRD
Report for 1990 of the
Planning & Development
Committee



Legend



Site of the Application

REPORT OF THE INFORMATION SYSTEMS COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Information Systems Committee presents its TENTH Report for 1989 and respectfully recommends:

1. (a) That the Organization Chart revisions for the Information Systems Department attached herewith and marked **Schedule "A"**, be approved.

NOTE: There is a net reduction of one staff position after the reorganization and prior to any staffing included for consideration in the 1990 Budget.

- (b) That the following positions be eliminated as they become vacant: (the corresponding payroll centre is in parenthesis)

Data Control Clerk (City)
Supervisor of Central Microfilming (City)
Key Punch Operator (City)
Microfilm Technician (City)
Assistant Manager, Process Control (Region)
Systems Analyst (7, City and Region)

NOTE: Total staff positions to be eliminated through attrition: 12 (includes elimination of 3 job descriptions/titles)

- (c) That the following Information Systems positions be established as attrition/vacancies permit:

Microfilm and Image Processing Co-ordinator (City)
Supervisory, Application Development (Region)
Senior Systems Analyst (7, City and Region)
Support Services Technician (2, City)

NOTE: Total staff positions to be established: 11 (includes creation of 3 job descriptions/titles)

- (d) That the elimination of the position of Supervisor of Central Microfilming be subject to the approval of the leasing of replacement camera equipment. (Estimated value \$10 000./year)

- (e) That the position description of Junior Programmer be established in order that it may be used where appropriate as an "entry level position" and as part of a career path development program but not filled at this time.

- (f) That the total staff compliment of Senior Systems Analysts and Systems Analysts in the Business Systems Division be limited to a maximum of 10.
 - (g) That the total staff compliment of Analyst and Programmer positions in the Process Control Division be limited to a maximum of 5.
 - (h) That the Commissioner of Human Resources and the Director of Information Systems be authorized and directed to take the appropriate steps to ensure that employees affected by these organization changes are duly notified, retrained and reassigned as appropriate within the organization and are not injuriously affected by these changes.
 - (i) That the Commissioner of Human Resources be authorized to take the appropriate measures to implement the revised Organization Chart for Information Systems.
 - (j) That the Commissioner of Human Resources be authorized to take the appropriate measures to implement the revised Organization Chart for Information Systems.
 - (k) That this report be forwarded to the City of Hamilton Finance and Administration Committee for information.
 - (l) That this report be forwarded to the Region Finance and Personnel Committee for information.
2. That the tender submitted by Microage Computers, Hamilton, for the supply and delivery of computer equipment for the M.I.S.A. Project, in the amount of \$44 519.78, including all applicable taxes, being the lowest acceptable of two tenders received, be accepted.

Respectfully Submitted,

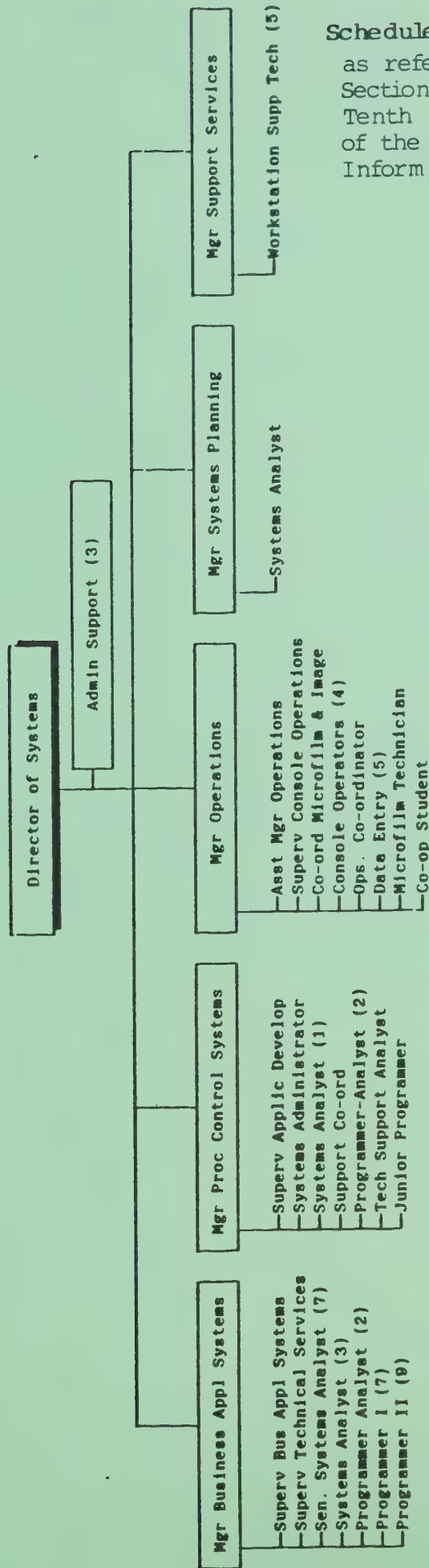
ALDERMAN J. GALLAGHER, CHAIRMAN
INFORMATION SYSTEMS COMMITTEE

John Thompson, Secretary
1989 December 21

mjw

INFORMATION SYSTEMS
Proposed Organization Chart

- Incorporates Microfilming within Operations Division
- reduction of one via attrition
- rationalizes other resources



Schedule "A"

as referred to in
Section 1 (a) of the
Tenth Report
of the
Information Systems Committee

NOTICE OF MOTION

NOTICE OF MOTION

Alderman D. Agostino gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

RESOLVED:

"That the Council of The Corporation of the City of Hamilton endorse, in principle, the response of the Solicitor General with respect to the report of the Task Force on Race Relations and Policing."

URBAN MUNICIPAL

The Corporation of the City of Hamilton

BY-LAW NO. 90-

GOVERNMENT DOCUMENTS

To Authorize:

**INCREASED COSTS FOR THE CONSTRUCTION OF AN ADDITION TO
THE TERRYBERRY PUBLIC LIBRARY**

WHEREAS the Ontario Municipal Board by Order dated the 25th day of September 1987, (File No. E 871042), approved,

- (a) the undertaking by the Public Library Board of the said corporation of the construction of an addition to the Terryberry Public Library at an estimated cost of \$1,566,000.00, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$595,000.00 for a term not to exceed fifteen years by The Regional Municipality of Hamilton-Wentworth, chargeable to the applicant corporation;

AND WHEREAS By-law No. 87-282, passed on the 27th day of October 1987, authorized proceeding with the construction of an addition to the Terryberry Public Library and the issue of debentures in accordance with the Ontario Municipal Board Order dated the 25th day of September 1987;

AND WHEREAS the Ontario Municipal Board by Order dated the 29th day of November 1989, (File No. E 871042) approved,

- (c) an additional expenditure of \$905,500.00 covering an additional estimated cost of this amount, and the borrowing of money by way of temporary advances not exceeding in the aggregate such additional estimated cost pending the sale of debentures, and
- (d) the issuance of additional debentures in the amount of \$905,500.00, by The Regional Municipality of Hamilton-Wentworth, chargeable to the applicant corporation;

AND WHEREAS it is now intended to proceed with the construction of an addition to the Terryberry Public Library, in accordance with the total expenditure as approved by the Ontario Municipal Board, in accordance with the Order of the Ontario Municipal Board dated the 29th day of November 1989.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as the construction of an addition to the Terryberry Public Library may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 29th day of November 1989.

2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 19 R.C.C. 2, October 31

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

By-law No. 89-254

To Authorize:

FINANCING THE FLOODLIGHTING OF THREE BALL FIELDS AT GLOBE PARK

WHEREAS the Ontario Municipal Board by Order dated the 27th day of July 1989, (File No. E 890863), approved,

- (a) the floodlighting of two ball fields at Globe Park at an estimated cost of \$140,000.00, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$140,000.00 for a term not to exceed fifteen years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

AND WHEREAS By-law No. 89-254, passed on the 26th day of September 1989, authorized proceeding with the floodlighting of two ball fields at Globe Park and the issue of debentures in accordance with the Ontario Municipal Board Order dated the 27th day of July 1989;

AND WHEREAS the Ontario Municipal Board by Order dated the 29th day of November 1989 (File No. E890863) approved,

- (c) an amendment of the said previous order by deleting the word "two" from the first line of sub-section (a) of the style of cause of the said previous order and inserting in lieu thereof the word "three";

AND WHEREAS it is now intended to proceed with the floodlighting of a third ball field at Globe Park in accordance with the total expenditure as approved by the Ontario Municipal Board, and to amend By-law No. 89-254, in accordance with the Order of the Ontario Municipal Board dated the 29th day of November 1989.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as floodlighting three ball fields at Globe Park may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 27th day of July 1989, as amended by the Order of the Ontario Municipal Board dated the 29th day of November 1989.

2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

3. (a) By-law No. 89-254 is amended by deleting the word "two" in the title, in clause (a) of the first recital, and in section 1 of the said by-law, and substituting in lieu thereof the word "three".

(b) In all other respects, By-law No. 89-254 is hereby confirmed, unchanged.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 10 R.C.C. 3, May 9
(1989) 21 R.P.R.C. 8, November 14

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Authorize:

THE EXPANSION OF THE RED HILL LIBRARY

WHEREAS the Ontario Municipal Board by Order dated the 6th day of December 1989, (File No. E 891193), approved,

- (a) the undertaking by the public library board of the said corporation of the expansion of the Red Hill Library at an estimated cost of \$274,000.00, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$274,000.00 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as the expansion of the Red Hill Library may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 6th day of December 1989.

2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of A.D. 1990.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 90 -

To Authorize the Borrowing of \$8,000,000.00 to
Finance Bank Overdrafts as and when
they Arise from Current Expenditures

Whereas the Council of The Corporation of the City of Hamilton (hereinafter called the "Municipality") deems it necessary to borrow the sum of \$8,000,000.00 or lesser amount not cumulative subject to the cumulative total of 70% of the annual uncollected balance of the estimated revenue to pay for temporary bank overdrafts as and when they arise in relation to the current expenditures of the Municipality for the year;

And Whereas the total amount of the estimated revenues of the Municipality as set forth in the preliminary estimates adopted for the year 1990, is \$158,000,000.00;

And Whereas the total of amounts heretofore may be borrowed for the purposes mentioned in Subsection (1) of Section 189 of the Municipal Act, R.S.O. 1980, Chapter 302, as amended;

Therefore the Council of The Corporation of the City of Hamilton hereby enacts as follows:

1. The Mayor and the Treasurer are hereby authorized on behalf of the Municipality to borrow from time to time by way of promissory note from the CANADIAN IMPERIAL BANK OF COMMERCE a sum or sums not exceeding the aggregate \$8,000,000.00 at one time to pay off temporary bank overdrafts for the current expenditures of the Municipality for the year, including the amounts required for the purposes mentioned in Subsection (1) of Section 189 of the Municipal Act, and to give on behalf of the Municipality to the Bank a promissory note or notes sealed with the Corporate Seal and signed by the Mayor and Treasurer for the monies so borrowed with interest at such rate as may be agreed upon from time to time with the Bank.
2. All sums borrowed pursuant to the authority of this by-law, as well as all other sums borrowed in this year and in previous years from the said Bank for any or all of the purposes mentioned in the said Section 189, shall, with interest thereon, be a charge upon the whole of the revenues of the Municipality for the current year and for all preceding years as and when such revenues are received.
3. The Treasurer is hereby authorized and directed to apply in payment of all sums borrowed as aforesaid, together with interest thereon, all of the monies hereafter collected or received either on account or realized in respect of taxes levied for the current year and preceding years or from any other source which may lawfully be applied for such purpose.

PASSED this

day of January

A.D. 1990

CITY CLERK

MAYOR

BY-LAW NO. 90 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF
HAMILTON AT ITS MEETING HELD ON THE 30th DAY OF JANUARY A.D., 1990.

WHEREAS by Section 19 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario, 1980, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 103 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario 1980, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this

day of

A.D. 1990

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE BLOCK 44, PLAN 62M-614
INTO OSSINGTON DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Ossington Drive by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Ossington Drive.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 12 R.T.E.C. 19(f)(i), July 25

SCHEDULE 'A'

Part of Parcel Reserves -1, Section 62M-614
Being all of Block 44, Plan 62M-614
in the City of Hamilton
Regional Municipality of Hamilton-Wentworth
being part of the Parcel.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE BLOCK 45, PLAN 62M-614
INTO BROUGHTON DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Broughton Drive by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Broughton Drive.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 12 R.T.E.C. 19(f)(ii), July 25

SCHEDULE 'A'

Part of Parcel Reserves -1, Section 62M-614
Being all of Block 45, Plan 62M-614
in the City of Hamilton
Regional Municipality of Hamilton-Wentworth
being part of the Parcel.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO CLOSE AND TO AUTHORIZE THE SALE OF RAEBURN ROAD,
DESIGNATED AS PARTS 22, 23, 24 AND 25, PLAN 62R-8933

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302, to stop-up and sell any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 1 of the 14th Report of the Transport and Environment Committee, on October 13, 1987, authorized the City to stop-up and close the highway and offer to sell the soil and freehold therein as hereinafter described, the extent and boundaries of which are more particularly described in Schedule "A" attached hereto.

AND WHEREAS Russell Lucking and Sharon Lucking are the abutting owners to the south of the highway;

AND WHEREAS Bar-Brock Enterprises Ltd. is the abutting owner of the lands to the north of the highway;

AND WHEREAS Notice of the said by-law has been published as required by Section 301 of the said Municipal Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The highway described in Schedule "A" hereto annexed and forming part of this by-law is hereby stopped-up and closed.
2. (1) Subject to section 3, the soil and freehold in those portions of the highway hereby stopped-up and closed, designated as Parts 22 and 23 on Plan 62R-8933 may be offered for sale to the owners of the land abutting to the north, being Bar-Brock Enterprises Ltd., or their successors or assigns.
(2) Subject to section 3, the soil and freehold in those portions of the highway hereby stopped-up and closed, designated as Parts 24 and 25 on Plan 62R-8933 may be offered for sale to the owners of the land abutting to the south, being Russell and Sharon Lucking, or their successors or assigns.
3. If the above-mentioned owners of the abutting lands or their successors or assigns do not purchase the said portions of the highway hereby stopped-up and closed within 10 days of the date of passing of this by-law, the sale of the said property may be authorized to any other person as may be approved by a subsequent by-law.
4. (1) Subject to subsection (2), this by-law comes into force and effect on the date of its enactment.

- (2) Section 1 comes into force and effect on the date of registration of this by-law in the Land Registry Office for the Registry Division of Wentworth (No. 62).

PASSED this day of , A.D. 1990.

City Clerk

Mayor

(1987) 14 R.T.E.C. 1, October 13

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE PART 2, PLAN 62R-9553
INTO RITA AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Rita Avenue by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Rita Avenue.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 16 R.T.E.C. 12, October 10

SCHEDULE 'A'

Part of Lot 6, Concession 8
in the geographic Township of Barton
City of Hamilton
Regional Municipality of Hamilton-Wentworth
designated as Part 2 on Plan 62R-9553.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE PART 20, PLAN 62R-6257
INTO QUAKER CRESCENT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Quaker Crescent by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Quaker Crescent.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 16 R.T.E.C. 11, October 10

SCHEDULE 'A'

Part of Lot 6, Concession 7,
in the geographic Township of Barton
City of Hamilton
Regional Municipality of Hamilton-Wentworth
designated as Part 20 on Plan 62R-6257 (SS-1627 Surveys)

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE PART 19, PLAN 62R-6257
INTO QUEEN VICTORIA DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Queen Victoria Drive by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Queen Victoria Drive.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 16 R.T.E.C. 10, October 10

SCHEDULE 'A'

Part of Lot 6, Concession 7,
in the geographic Township of Barton
City of Hamilton
Regional Municipality of Hamilton-Wentworth
designated as Part 19 on Plan 62R-6257.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE BLOCK 80, PLAN 62M-628
INTO REPUBLIC AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Republic Avenue by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Republic Avenue.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 20 R.T.E.C. 33(f), December 12

SCHEDULE 'A'

Part of Parcel Reserves -1

Section 62M-628

Being all of Block 80, Plan 62M-628

City of Hamilton

Regional Municipality of Hamilton-Wentworth

being part of the Parcel.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO CLOSE AND TO AUTHORIZE THE SALE OF THE PUBLIC WALKWAY,
FROM UPPER JAMES STREET TO ALLISON CRESCENT, PART 1, PLAN 62R-5020

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302, to stop-up and sell any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 28 of the 20th Report of the Transport and Environment Committee, on December 12, 1989, authorized the City to stop-up and close the walkway and offer to sell the soil and freehold therein as hereinafter described, the extent and boundaries of which are more particularly described in Schedule "A" attached hereto.

AND WHEREAS Brian and Margaret Morison are the abutting owners to the south of the walkway;

AND WHEREAS Chrysler Canada is the abutting owner of the lands to the north of the walkway;

AND WHEREAS Notice of the said by-law has been published as required by Section 301 of the said Municipal Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The walkway described in Schedule "A" hereto annexed and forming part of this by-law is hereby stopped-up and closed.
2. Subject to section 3, the soil and freehold in that portion of the walkway hereby stopped-up and closed, designated as Part 1 on Plan 62R-5020 may be offered for sale to the owners of the land abutting to the south, being Brian and Margaret Morison, or their successors or assigns.
3. If the above-mentioned owners of the abutting lands or their successors or assigns do not purchase the said portions of the highway hereby stopped-up and closed within 60 days of the date of passing of this by-law, the sale of the said property may be authorized to any other person as may be approved by a subsequent by-law.
4. (1) Subject to section 2, this by-law comes into force and effect on the date of its enactment.

- (2) Section 1 comes into force and effect on the date of registration of this by-law in the Land Registry Office for the Registry Division of Wentworth (No. 62).

PASSED this day of , A.D. 1990.

City Clerk

Mayor

(1989) 20 R.T.E.C. 28, December 12

SCHEDULE 'A'

Part of Parcel "A", according to Registered Plan Number 1013 and part of Lot 6, Concession 1 in the former Township of Glanford, being all of the public walkway (as established by City of Hamilton By-law 80-3, registered February 27, 1980 as Instrument No. 151148 (C.D.) designated as Part 1 on Plan 62R-5020

City of Hamilton

Regional Municipality of Hamilton-Wentworth

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO ESTABLISH AND OPEN THE ALLEY NORTH OF KING STREET EAST
FROM WELLINGTON STREET EASTERLY TO THE WEST LIMIT
OF THE FIRST NORTH/SOUTH ALLEY
DESIGNATED AS PART 1 ON PLAN 62R-10875

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to establish and lay out an alley north of King Street East from Wellington Street easterly to the west limit of the first north/south alley and incorporate within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public alleyway.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public alleyway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 17 R.T.E.C. 9, October 31

SCHEDULE 'A'

Part of 12' alley, Registered Plan No. 223
designated as Part 1 on Plan 62R-10875
City of Hamilton
Regional Municipality of Hamilton-Wentworth

BY-LAW NO. 90 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 10 (Stops at Intersections) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Royal Vista	Westbound	Eaglewood
Eaglewood	Northbound and Southbound	Royal Vista
Presidio	Eastbound	Eaglewood
Millen	Northbound	Empress
Rosewell	Southbound	Robson
Goldengate	Eastbound	Templemead
Loyalist (north leg)	Westbound	Glen Echo
Loyalist (south leg)	Westbound	Glen Echo
Glenhaven	Northbound and Southbound	Greenshire
Desantis	Eastbound	Charing
Sloan	Southbound	Indian".

2. Schedule 15 (Designated Traffic Lanes) is hereby amended by adding thereto the following item, namely:-

"Locke	Main and 100 feet south	East	Anytime	Northerly to Easterly".
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3. Schedule 35 (Wheelchair Loading Zones) is hereby amended by adding thereto the following items, namely:-

"Ferguson	East	49 feet	53 feet north of King William	Anytime
Homewood	North	43 feet	350 feet east of Dundurn	Anytime".

and by deleting therefrom the following item, namely:-

"Ferguson	East	47 ft.	102 ft. north of King William	Anytime".
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4. Schedule 31 (School Bus Loading Zones) is hereby amended by adding thereto the following items, namely:-

"Macklin	East	280 ft.	442 ft. north of Dufferin	7:00am-6:00pm Monday to Saturday
Macklin	East	160 ft.	805 ft. north of Dufferin	7:00am-6:00pm Monday to Saturday".

5. Schedule 12 (One-Way Streets) is hereby amended by deleting therefrom the following item, namely:-

"Breadalbane	Northbound	King	Hunt	Anytime".
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6. Schedule 13 (Part-Time One-Way Streets) is hereby amended by adding thereto the following item, namely:-

"Breadalbane	Northbound	164 feet south of Hunt".	Hunt	Anytime".
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PASSED THIS

DAY OF

, A.D. 19 .

CITY CLERK

MAYOR

BY-LAW NO. 90 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 25A (Parking Time Limits) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended:

(a) by adding to Section 26 (One Hour Limit) the following item, namely:-

"Mahoney	Both	Parkdale to Adeline".
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(b) by adding to Section 16 (One Hour Limit) the following item, namely:-

"East 32nd	Both	Crockett to Munn".
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(c) by adding thereto the following sub-section, namely:-

"28. Three Hour Limit between the hours of 9:00 in the forenoon and 5:00 in the afternoon on the following streets or parts of streets, excepting such parts of same where parking or stopping is prohibited.

<u>STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Margaret	East	King to Main".

2. Schedule 26 (No Parking Areas) is hereby amended by adding to Section A (No Parking Anytime) the following items, namely:-

"Agnes	East	Argyle to Campbell
Mars	North	Emerald to Wentworth
Tyne	East	End to End
Sunninghill	North	Rendell to Upper Ottawa
McKenzie	North	East 27th to a point 135 feet east".

3. Schedule 26A (No Parking Anytime) is hereby amended:

(a) by adding to Section H (No Parking 9:00 am - 5:00 pm) the following item, namely:-

"Undercliffe	East	Aberdeen to Inglewood"
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(b) by adding thereto the following sub-section, namely:-

"R. NO PARKING 9:00 am - 4:00 pm (Monday to Friday)

Except as varied by Schedule 26 Section A, Schedule 26A Sections A to Q and Schedule 29

<u>STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Inglewood	North	Bay to Undercliffe".

(c) by adding thereto the following sub-section, namely:-

"S. NO PARKING 10:00 am - 2:00 pm (Monday to Friday)

Except as varied by Schedule 26 Section A, Schedule 26A Sections A to R and Schedule 29

<u>STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
East 35th	West	Concession to north end".

4. Schedule 27 (Alternate Side Parking) is hereby amended by deleting therefrom the following items, namely:-

"Agnes Street Campbell Avenue to Barton Street East	West	East
Mars Avenue Emerald Street North to Wentworth Street North	South	North".

and by adding thereto the following item, namely:-

"Agnes Argyle to Barton	West	East".
----------------------------	------	--------

5. Schedule 24 (Parking Meter Locations) is hereby amended by deleting from Section 4 (Half Hour Limit) the following item, namely:-

"MacNab	Both	Vine to Cannon".
---------	------	------------------

and by adding to Section 3(b) (One Hour Limit) the following item, namely:-

"MacNab	Both	Vine to Cannon".
---------	------	------------------

6. Schedule 34 (Sticker Permit Parking) is hereby amended by adding thereto the following items, namely:-

"Tiffany	East	commencing at a point 273 feet north of Barton to a point 24 feet northerly therefrom	Anytime
Herkimer	South	commencing at a point 643 feet west of Locke to a point 23 feet westerly therefrom	Anytime

and by deleting therefrom the following item, namely:-

"Margaret	East	Main to King	Anytime".
-----------	------	--------------	-----------

PASSED THIS DAY OF , A.D. 199

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Cemeteries By-law No. 8861

Respecting:

REVISED TARIFF OF CHARGES

WHEREAS By-law No. 8861, passed on the 12th day of January 1960, in accordance with the Cemeteries Act, established a tariff of charges;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 2 of the 22nd Report of the Parks and Recreation Committee, at its meeting held 28 November 1989, directed that By-law No. 8861, as amended, be further amended to provide for an increase in the tariff of charges for 1990;

AND WHEREAS The Corporation of the City of Hamilton passed By-law No. 89-363 on the 13th day of December 1989 to provide for the said increase in the tariff of charges for 1990;

AND WHEREAS it is necessary to correct an inadvertent typographical error in Schedule "B-1990" to By-law No. 89-363.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B-1990" annexed to and forming part of By-law No. 89-363, passed on the 13th day of December 1989, is hereby amended by deleting the figure "361.00" in the first line under the column heading of Non-Residents and inserting in lieu thereof the figure "420.00"

2. In all other respects, By-law No. 89-363 is hereby confirmed, unchanged.

PASSED this day of A.D. 1990.

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 783, 785 AND 791 CONCESSION STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-35 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, the land comprised in Block 1,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, applicable to the lands shown as Blocks 1 and 2 on Schedule "A" hereto annexed, are amended to the extent only of the special requirement that,

- (a) notwithstanding the provisions of Section 18A.(1)(f) of By-law No. 6593, the required manoeuvring space aisle width for the two required parking spaces at the rear of the townhouse development shall not be less than 4.88 m.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1152.

5. Sheet No. E-35 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1152.

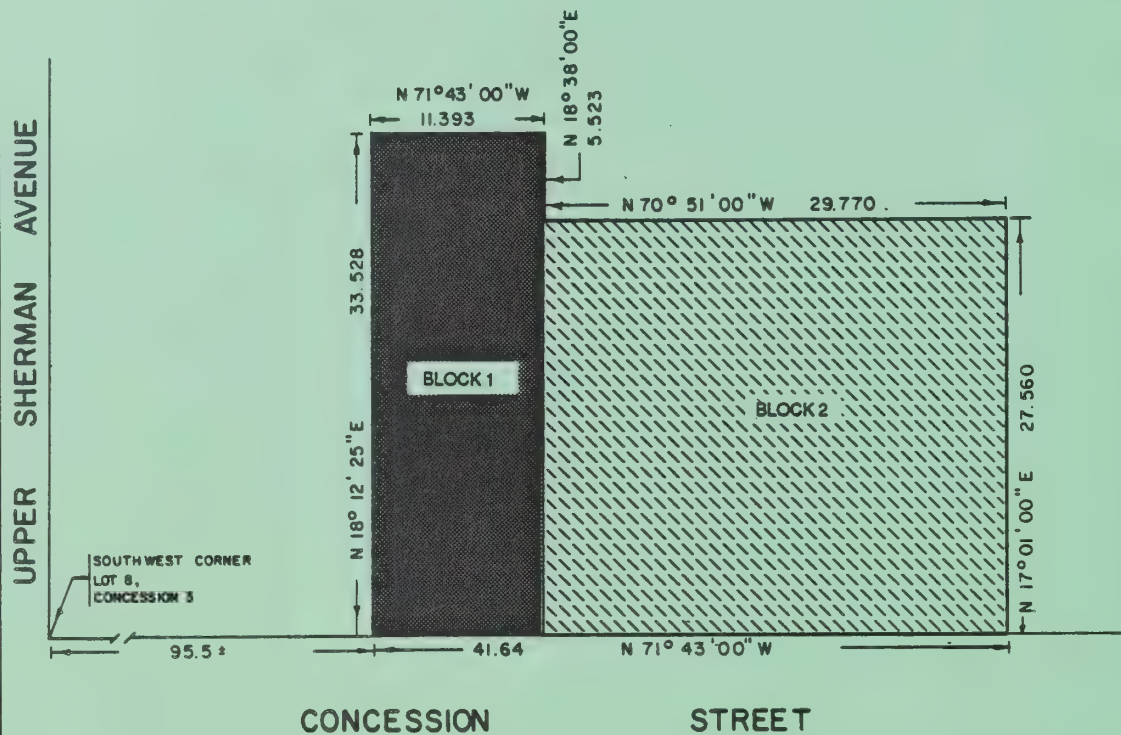
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 27 R.P.D.C. 9, November 28
Browview Realty Ltd., Owner
ZA-89-78



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 90-.....
Passed the day of

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 90-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

BLOCK 1

Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwelling, Lodges Clubs, etc.) District.

BLOCK 1

BLOCK 2

Lands to be regulated by By-Law No. 90-

North



Scale
NOT TO SCALE

Date
DECEMBER, 1989

Reference File No.
ZA89 - 78

Drawn By
T. A.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE REAR PART OF MUNICIPAL NO. 1258 UPPER WENTWORTH STREET

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-18C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

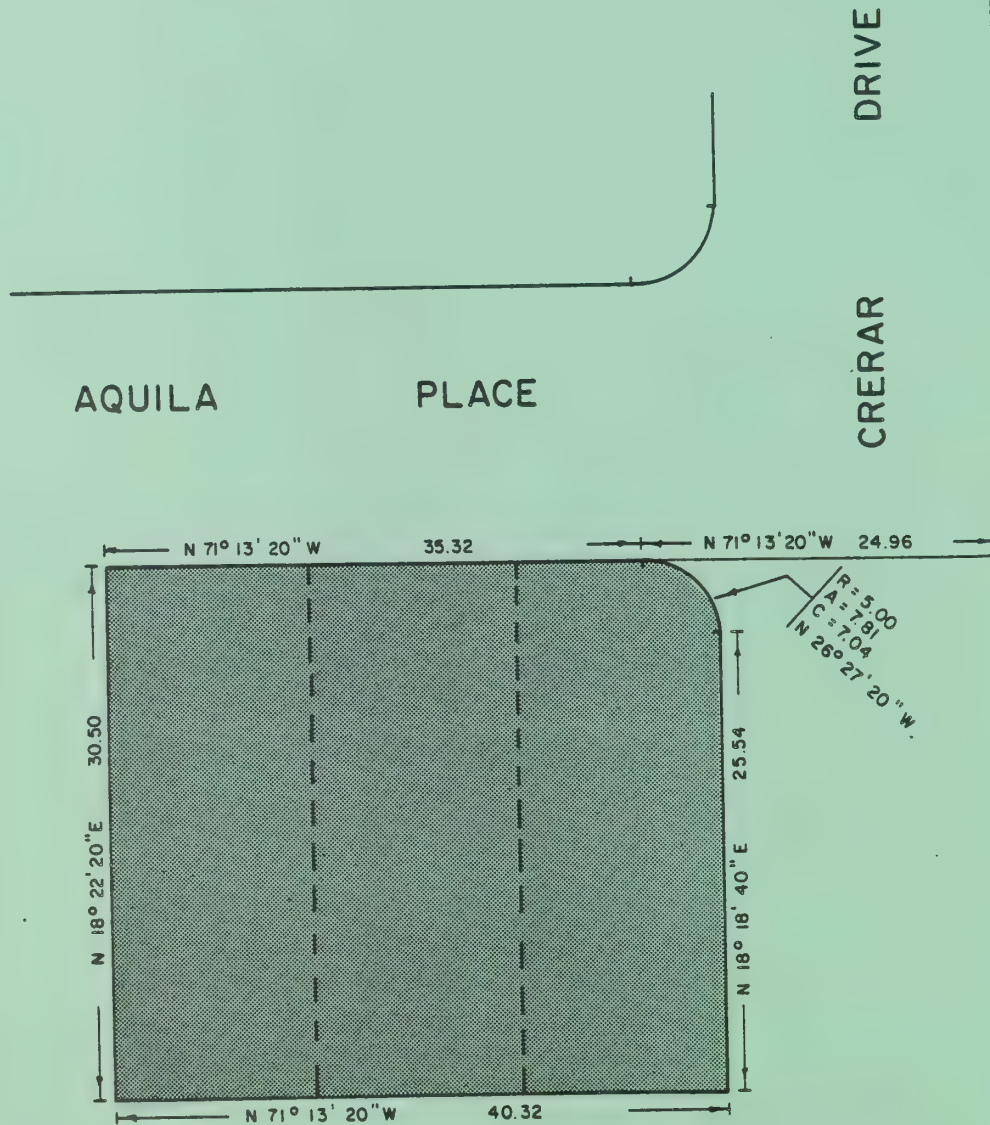
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 27 R.P.D.C. 7, November 28
Vittorio, Guissepina, Italo
and Anna DiPietro, Owners
ZA-89-82



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 90-.....
Passed the day of, 1990

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 90-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



CHANGE IN ZONING FROM "AA" (AGRI-
CULTURAL) DISTRICT TO "C" (URBAN
PROTECTED RESIDENTIAL, ETC.)
DISTRICT.

North



Scale
NOT TO SCALE

Date
DECEMBER, 1989

Reference File No.
ZA89-82

Drawn By
T.A.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 408 RYMAL ROAD EAST

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-18E and E-27E of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, the land comprised in Block 1, and
- (b) by changing from "AA" (Agricultural) District to "RT-10" (Townhouse) District, the land comprised in Block 2, and
- (c) by changing from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, the land comprised in Block 3,

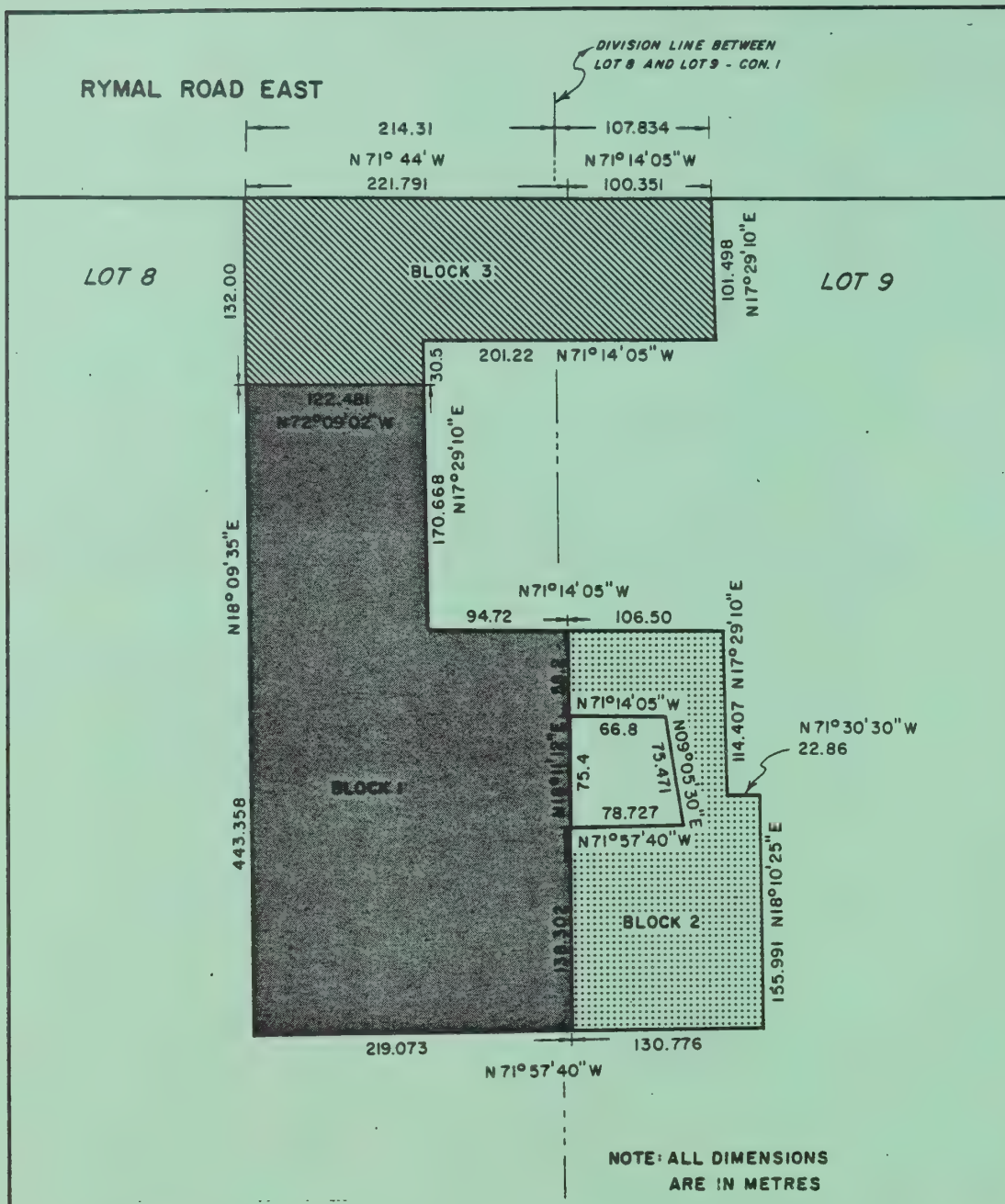
the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor



THIS IS SCHEDULE "A" TO BY-LAW NO. 90-_____
PASSED THE _____ DAY OF _____

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

- CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT MODIFIED TO:
- BLOCK 1**
[Solid black box] "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.
 - BLOCK 2**
[Stippled box] "RT-10" (TOWNHOUSE) DISTRICT.
 - BLOCK 3**
[Hatched box] "DE" (LOW DENSITY MULTIPLE DWELLINGS) DISTRICT.

North



Scale
NOT TO SCALE

Date
NOV. 29, 1989

Reference File No.
ZA 88 - 107

Drawn By
Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 404 COCHRANE ROAD SOUTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

(a) notwithstanding paragraphs (f) and (h) of Section 2(2)H.(iii) of By-law No. 6593, hairdressing shall be permitted as a home occupation on the following basis:

1. It is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises, and
2. There is not more than one comb-out centre and one styling sink.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1148.

4. Sheet No. E-76 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1148.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

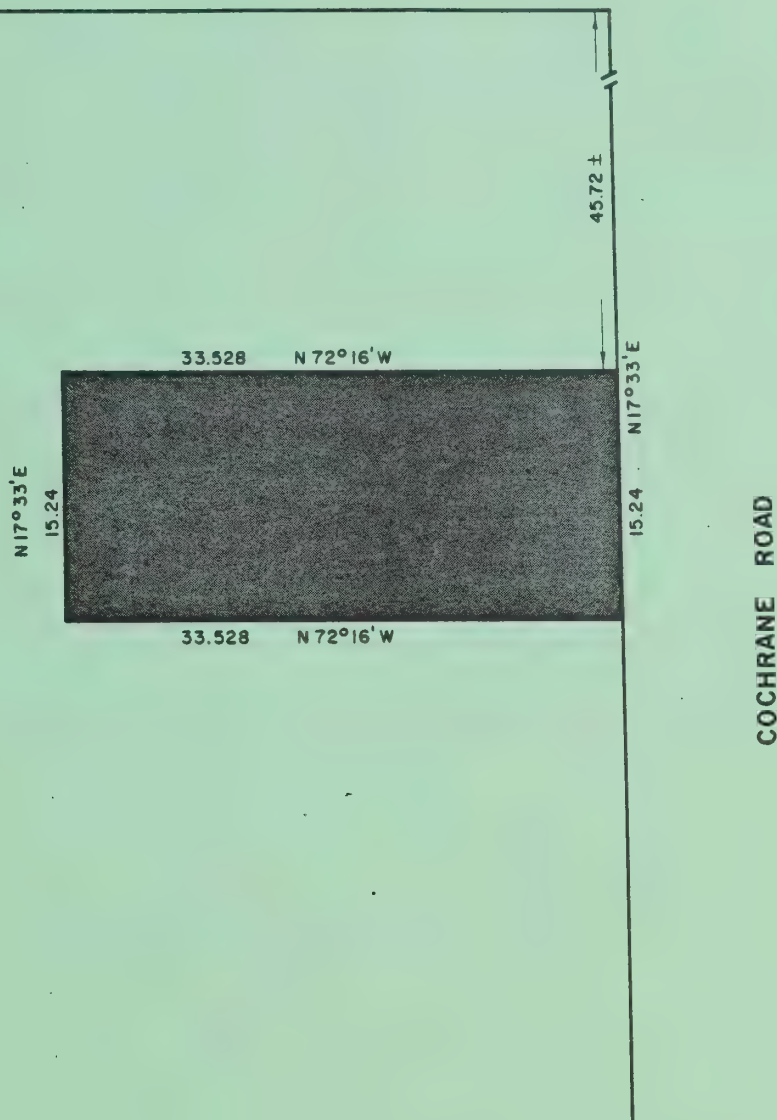
PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 26 R.P.D.C. 10, November 14
Mrs. Frances Marchetti, Owner
ZA-89-39

LAWRENCE ROAD



NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE _____ DAY OF _____

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 LANDS TO BE REGULATED
BY BY-LAW NO. 90-

North



Scale
NOT TO SCALE

Date
NOV. 23, 1989

Reference File No.
ZA 89-39

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1399 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, the land comprised in Block 1, and
- (b) by changing from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, the land comprised in Block 2,

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14A(3)(a) of By-law No. 6593, a front yard of not less than 24.0 m shall be provided and maintained;
- (b) a planting strip not less than 3.0 m in width, and a visual barrier not less than 1.2 m in height and not more than 2.0 m in height, shall be provided and maintained along the easterly rear lot line and northerly side lot line;
- (c) a landscaped area not less than 3.0 m in width, excluding any area used for vehicular access, shall be provided and maintained adjacent to the Upper James Street road allowance.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1151.

5. Sheet No. E-9C of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1151.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

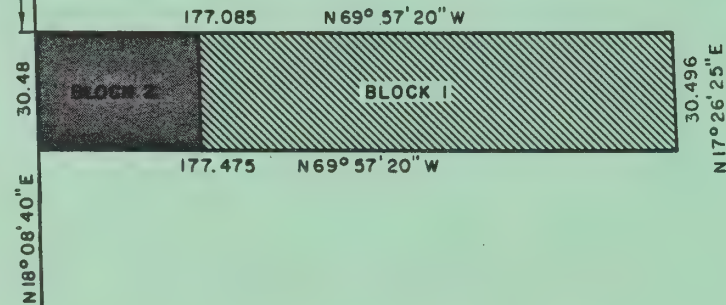
Mayor

(1989) 27 R.P.D.C. 8, November 28
John Paisley In Trust, Prospective Owner
ZA-89-68

NORTHWEST CORNER
OF LOT 14 - CON. 8

STONE CHURCH ROAD EAST

UPPER JAMES STREET



NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-_____
PASSED THE _____ DAY OF _____

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF
BY-LAW NO. 90-

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

CHANGE IN ZONING FROM:

 BLOCK 1
"AA" (AGRICULTURAL) DISTRICT TO
"HH" (RESTRICTED COMMUNITY
SHOPPING AND COMMERCIAL) DISTRICT,
MODIFIED.

 BLOCK 2
"C" (URBAN PROTECTED RESIDENTIAL,
ETC.) DISTRICT TO "HH" (RESTRICTED
COMMUNITY SHOPPING AND COMMERCIAL)
DISTRICT, MODIFIED.

North



Scale
NOT TO SCALE

Date
NOV. 28, 1989

Reference File No.
ZA 89-68

Drawn By
Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE WEST SIDE OF ANNABELLE STREET,
NORTH OF STONE CHURCH ROAD WEST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

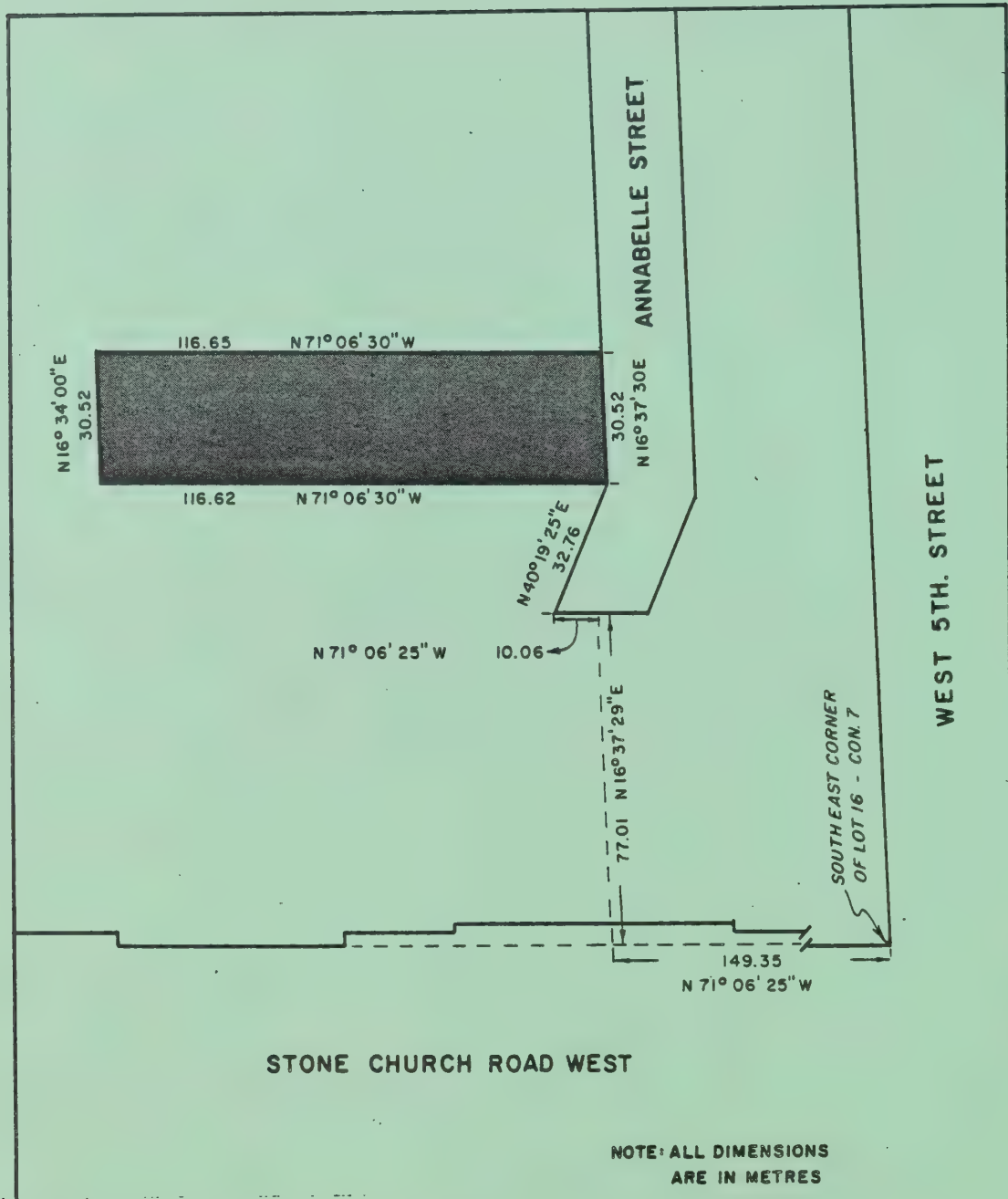
PASSED this

day of

A.D. 1990.

City Clerk

Mayor



THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE ____ DAY OF _____

Clerk


Mayor

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 CHANGE IN ZONING FROM "AA" (AGRI-CULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

<p>North</p> 	<p>Scale</p> <p>NOT TO SCALE</p> <p>Date</p> <p>DEC. 12, 1989</p>	<p>Reference File No.</p> <p>ZA 89-28</p> <p>Drawn By</p> <p>Z. K.</p>
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The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE REAR OF MUNICIPAL NO. 311 RYMAL ROAD EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-18D and E-18E of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District,

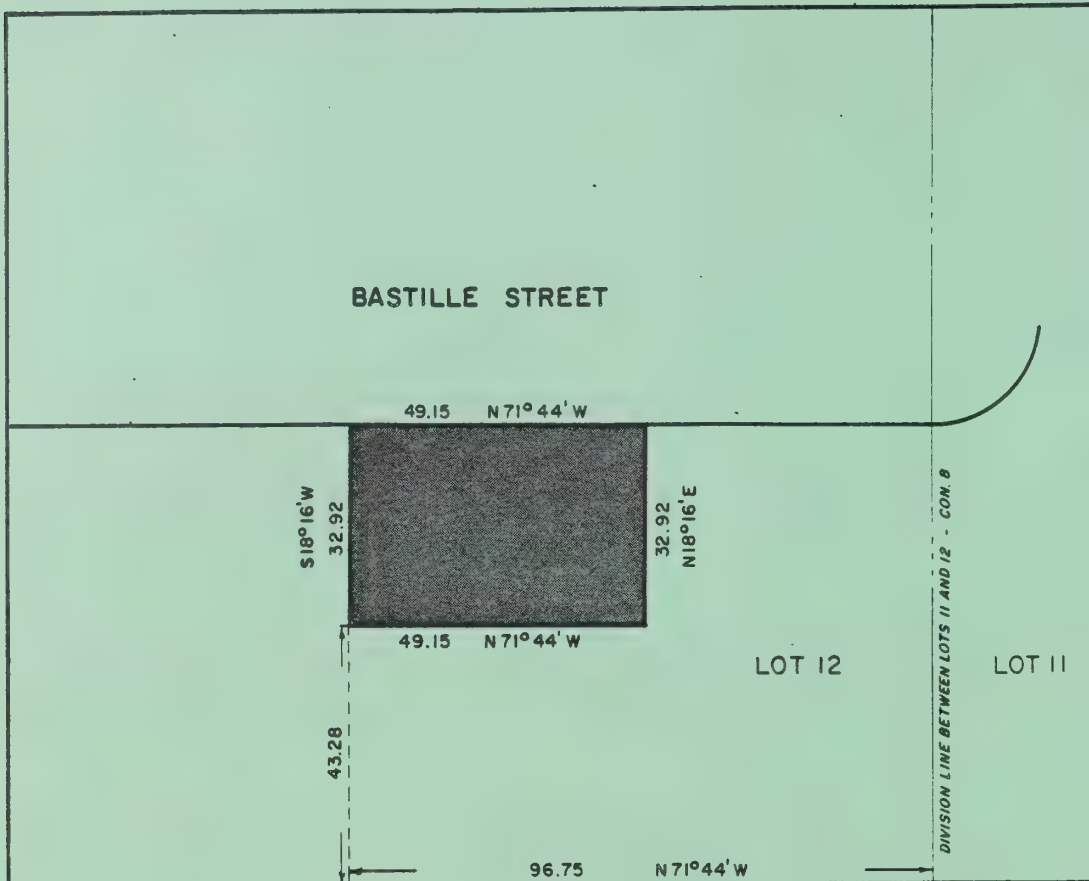
the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor



RYMAL ROAD EAST

NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-_____
PASSED THE _____ DAY OF _____

Clerk


Mayor

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 CHANGE IN ZONING FROM "B" (SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

North



Scale
NOT TO SCALE

Date
DEC. 4, 1989

Reference File No.
ZA 89-93

Drawn By
Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE NORTHWEST CORNER OF LIMERIDGE ROAD EAST
AND UPPER GAGE AVENUE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 and with the Official Plan as amended by Official Plan Amendment No. 82, proposed by the Council of The Corporation of the City of Hamilton as By-law No. 89-340, but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, 1983.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-38A and E-38B of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District,

the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 14A(1) of By-law No. 6593, only the following uses shall be permitted.
 - (i) a funeral home excluding a crematorium;
 - (ii) one dwelling unit for occupancy by the owner or an employee of the funeral home.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1150.

5. Sheets No. E-38A and E-38B of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1150.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this

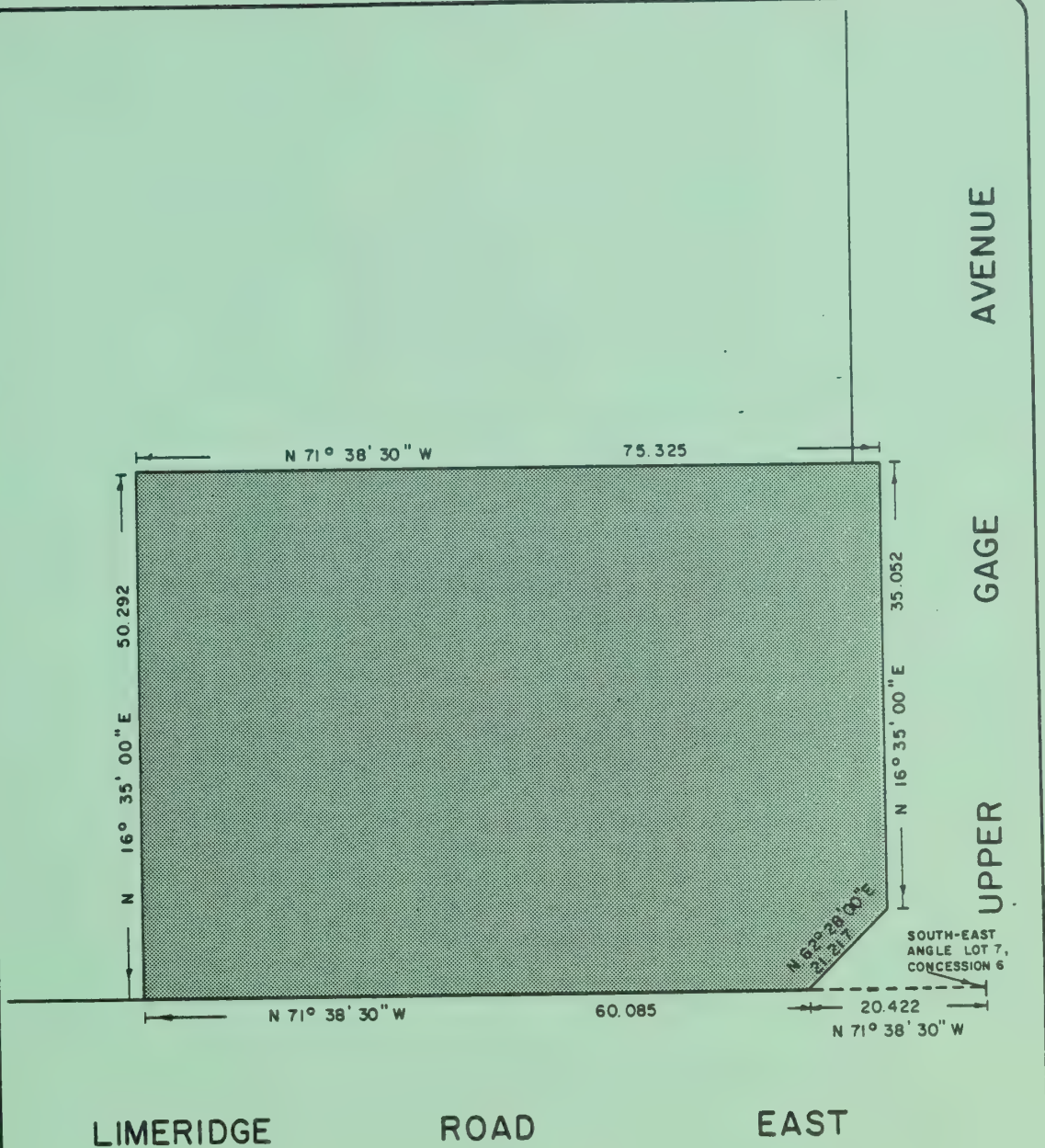
day of

A.D. 1990.

City Clerk

Mayor

(1989) 26 R.P.D.C. 15(B), November 14
Edward Powell, Prospective Owner
ZA-89-79



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 90-.....
Passed the day of, 1990.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 90-.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



"AA"(Agricultural) District to "HH"
(Restricted Community Shopping and
Commercial) District, Modified.

North



Scale
NOT TO SCALE

Date
DECEMBER, 1989

Reference File No.
ZA89-79

Drawn By
T.A.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 2846 KING STREET EAST

WHEREAS it is intended to change the zoning of the land hereinafter referred to and to establish a special requirement under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982 and with the Official Plan as amended by Official Plan Amendment No. 81, proposed by the Council of The Corporation of the City of Hamilton as By-law No. 89-308, but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, 1983.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-106 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, the land comprised in Block 2,

the extent and boundaries of which Block are shown on a plan hereto annexed as Schedule "A".

2. The "AA" (Agricultural) District provisions, as contained in Section 7A of Zoning By-law No. 6593, applicable to the land comprised in Block 1 shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

- (a) notwithstanding Section 7A(1) of By-law No. 6593, the following uses shall be permitted:

COMMERCIAL USES Only Within the existing Building:

- 1. funeral home;
- 2. pharmaceutical, chemical, physical or opticians lab;
- 3. retail stores;
- 4. business and professional person's offices, excluding medical and dental offices;
- 5. photographer's studio;
- 6. barber shop, hairdresser;
- 7. shoe shine parlour;

8. caterer's shop;
9. other personal service shops;
10. tailor's shop, dressmaker's establishment;
11. shoe repair shop;
12. wearing apparel shop; and
13. restaurant without entertainment.

INSTITUTIONAL USE Only Within the Existing Building:

1. Day Nursery.

ACCESSORY USE:

1. One ground sign, wall sign, or projecting sign having an area of not more than 0.4 m² non-illuminated or illuminated by non-flashing indirect or interior means only, located not less than 1.5 m from the nearest street line in connection with the Commercial Use.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "AA" District provisions, subject to the special requirement referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1142.

5. Sheet No. E-106 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1142.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

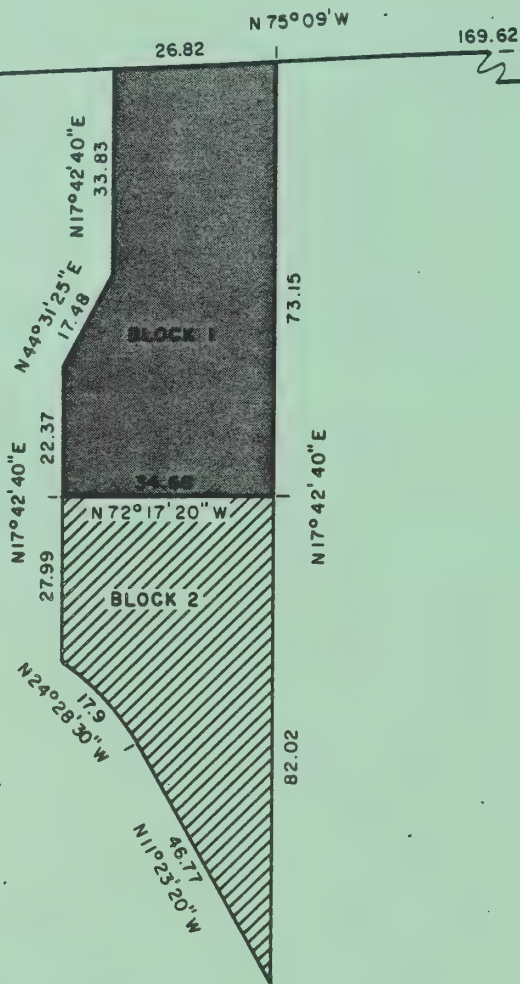
PASSED this day of A.D. 1990.

City Clerk -

Mayor

KING STREET EAST

NORTHEAST CORNER OF
LOT 27 - CON. 4



CENTENNIAL PARKWAY SOUTH

NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF

BY-LAW NO. 90-

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND

BLOCK 1



LANDS TO BE REGULATED
BY BY-LAW NO. 90 -

BLOCK 2



CHANGE IN ZONING FROM "AA" (AGRI-
CULTURAL) DISTRICT TO "R-4"
(SMALL LOT SINGLE-FAMILY DETACH-
ED) DISTRICT.

North



Scale

NOT TO SCALE

Date

JAN. 13, 1990

Reference File No.

ZA 89-44

Drawn By

Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO. 2846 KING STREET EAST

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 40 of the Planning Act, 1983], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

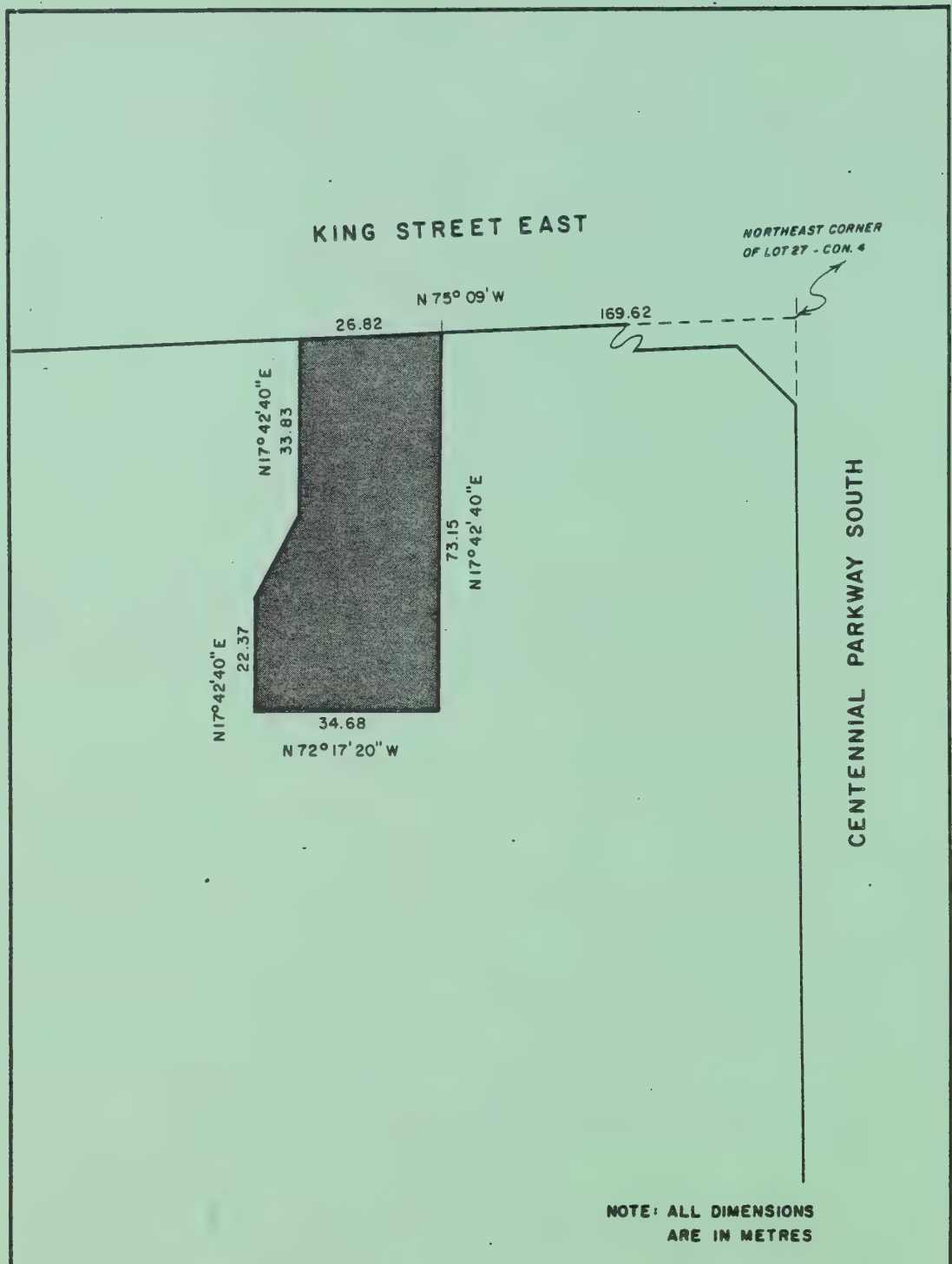
121. Land located at Municipal No. 2846 King Street East, shown on Appendix 121 hereto annexed and forming part of this by-law.

2. Schedule "A" is annexed hereto and forms part of this by-law and By-law No. 79-275 as Appendix 121.

PASSED this day of A.D. 1990.

City Clerk

Mayor



THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON
APPENDIX 121
TO BY-LAW NO. 79-275

AS AMENDED BY
BY-LAW NO. 87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND



LANDS DESIGNATED UNDER THIS BY-LAW
AS AN AREA OF SITE PLAN CONTROL
PURSUANT TO SECTION 40 OF THE
PLANNING ACT.

North



Scale
NOT TO SCALE

Date
JAN. 13, 1990

Reference File No.
ZA 89-44

Drawn By
Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

By-law No. 87-312

As Amended by By-law No. 88-170, By-law No. 89-95,
By-law No. 89-217 and By-law No. 89-247

Respecting:

APPOINTMENT OF BUILDING INSPECTORS

Pursuant to The Building Code Act, R.S.O. 1980, c. 51

WHEREAS Section 3 of The Building Code Act, R.S.O. 1980, c. 51 provides as follows:

3. (1) The council of each municipality is responsible for the enforcement of this Act in the municipality.
- (2) The council of each municipality shall appoint a chief building official and such inspectors as are necessary for the purposes of the enforcement of this Act in the areas in which the municipality has jurisdiction.

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 87-312 on the 10th day of November 1987 to provide for the appointment of the Chief Building Official and Inspectors, pursuant to The Building Code Act, R.S.O. 1980, c. 51;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 88-170 on the 29th day of June 1988, By-law No. 89-95 on the 14th day of March 1989, By-law No. 89-217 on the 26th day of July 1989 and By-law No. 89-247 on the 29th day of August 1989 to amend By-law No. 87-312 in accordance with the recommended staff changes in the Building Department;

AND WHEREAS The Corporation of the City of Hamilton in adopting Item 2 of the 3rd Report of the Planning and Development Committee at its meeting of 30th day of January 1990 directed that By-law No. 87-312 as amended by By-law No. 88-170, By-law No. 89-95, By-law No. 89-217 and By-law No. 89-247, be further amended as hereinafter provided.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 6(a) of By-law No. 87-312 is amended by adding thereto the following name:

Wak-Kuen Wong, P. Eng.

2. Section 8(a) of By-law No. 87-312 is amended by deleting therefrom the following name:

Wak-Kuen Wong, P. Eng.

3. Section 9(a) of By-law No. 87-312 is amended by deleting therefrom the following name:

Gerald N. Farrell

and adding thereto the following names:

Natalie Gould

Glen McCrory.

4. In all other respects, By-law No. 87-312, as amended by By-law No. 88-170, By-law No. 89-95, By-law No. 89-217 and By-law No. 89-247 is hereby confirmed, unchanged.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 3 R.P.D.C. 2, January 30

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Adopt:

Official Plan Amendment No. 83

Respecting:

LANDS LOCATED SOUTH OF THE C.N.R. RAILWAY
AND EAST OF CENTENNIAL PARKWAY NORTH,
WITHIN THE LAKELY NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 83 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 1 R.P.D.C. 14(a), January 30
Landawn Shopping Centres (National) Limited,
Prospective Owner
ZA-89-38

Amendment No. 83
to the
City of Hamilton Official Plan

The following text, together with Schedules "A" and "B", attached hereto, constitutes Official Plan Amendment No. 83.

PURPOSE

The purpose of this Amendment is to redesignate the subject lands from "Industrial" to "Commercial", to delete the subject lands from "Special Policy Area 11", and to establish a new "Special Policy Area", to limit the types of commercial uses.

LOCATION

The lands affected by this Amendment are located south of the C.N.R. Railway and east of Centennial Parkway North, within the Lakely Neighbourhood.

BASIS

The proposal, to develop the subject lands for a one storey, 9,950 m², shopping centre for limited commercial uses, can be permitted on the following basis:

- it complies with the intent of the proposed Gateway East Study (a study which proposes several approaches for enhancing the gateway and tourism functions of the Centennial Parkway area);
- it is located on a major arterial road (Centennial Parkway North);
- it is consistent with the existing land use in the surrounding area, including warehousing to the west, and commercial to the south;
- it will improve the area's overall image and may encourage the redevelopment of adjacent properties; and,
- the existing "KK" zoning permits a broad range of heavy industrial uses, including a slaughter house, metal products factory, wood products factory, etc. Accordingly, the proposed uses are less offensive and more in keeping with the intent of the proposed Gateway East Study. Furthermore, some of the proposed uses are already permitted as-of-right under the established "KK" District Zoning (e.g. builders' supply yard; gas bar), and the other uses are no less feasible.

ACTUAL CHANGE

- 1) Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Industrial" to "Commercial", as shown on the attached Schedule "A" of this Amendment.

- 2) Schedule "B", - Special Policy Areas of the Official Plan be revised by:
- removing the subject lands from "Special Policy Area 11";
 - establishing "Special Policy Area 48"; and,
 - adding "Area 48 refer to Policy A.2.9.3.43", in the legend,
- as shown on the attached Schedule "B" of this Amendment.
- 3) The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.43:
- "Notwithstanding the permitted uses as set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 48, and located south of the C.N.R. Railway and east of Centennial Parkway North, only limited commercial uses will be permitted, such as, home improvement centre uses, billiard hall, bowling alley, offices, cinema, restaurant and hotel, as provided for by the implementing Zoning By-law amendment."

IMPLEMENTATION

A Zoning By-law amendment will give effect to the intended use of the subject lands.

This is Schedule "1" to By-law No. 90- , passed on the day of , 1990.

The Corporation of the
City of Hamilton

City Clerk

Mayor

to the
official plan
for the
city of hamilton

are to be charged from

"Industrial" or "Commercial"

"Industrial to "Commercial"











6-2-83

THE PLANNING ACT



land use concept

legend

- | | |
|---|---|
|  | residential |
|  | commercial |
|  | industrial |
|  | open space |
|  | open water |
|  | major institutional |
|  | utilities |
|  | central policy area |
|  | special policy area
windermere basin |
| ① | per numbers |
|  | auto regional corridor |

Schedule A

to the official plan
for
the city of hamilton
SEPT. 26, 1999

schedule B amendment no. 83

to the
official plan
for the
city of hamilton

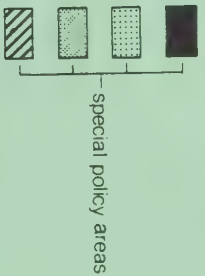
date	drawn by	reference file no.
Dec. 16, 1989	L.B.	8-2-83

LEGEND

Remove from Special Policy Area 11
and establish Special Policy Area 48,
refer to Policy A29.3.43



legend



special policy areas

AREA	REFER TO SUBSECTION
1(a)	A29.1.
1(b)	A29.1.
2	A29.2.
3	A29.3.
AREA	REFER TO POLICY
3	A29.3.1.
4	A29.3.2.
5	A29.3.3.
6	A29.3.4.
7	A29.3.5.
8	A29.3.6.
9	A29.3.7.
10	A29.3.8.
11	A29.3.9.
12	A29.3.10.
13	A29.3.11.
14	A29.3.12.
15	A29.3.13.
16	A29.3.14.
17	A29.3.15.
18	A29.3.16.
19	A29.3.17.
20	A29.3.18.
21	A29.3.19.
22	A29.3.20.
23	A29.3.21.
24	A29.3.22.
25	A29.3.23.
26	A29.3.24.
27	A29.3.25.
28	A29.3.26.
29	A29.3.27.
30	A29.3.28.
31	A29.3.29.
32	A29.3.30.
33	A29.3.31.
34	A29.3.32.
35	A29.3.33.
36	A29.3.34.
37	A29.3.35.
38	A29.3.36.
39	A29.3.37.
40	A29.3.38.
41	A29.3.39.
42	A29.3.40.
43	A29.3.41.
44	A29.3.42.
45	A29.3.43.
46	A29.3.44.
47	A29.3.45.
48	A29.3.46.

Refer to Schedule B - 1 for Special
Policy Areas in the Downtown

schedule B
to the official plan
for
the city of hamilton

89 11 23

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

**LANDS LOCATED SOUTH OF THE C.N. RAILWAY TRACKS,
EAST OF CENTENNIAL PARKWAY NORTH**

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 83, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, 1983.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-112 and E-113 of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District,

the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 14A(1) of By-law No. 6593, only the following uses shall be permitted:

RESIDENTIAL

- 1. Hotel;

COMMERCIAL

- 1. Gas Bar.
- 2. Building Supply Store (Lumber Yard).
- 3. Sporting Goods Store.
- 4. Offices.
- 5. Bowling alley.
- 6. Billiard hall.
- 7. Cinema (movie theatre).

8. Restaurant provided it is non-fast food, there is no drive-thru facility, and it is not free standing.
9. Bank.
10. Shoe Repair Shop.
11. Barbershop, hairdressing establishment or beauty parlour.
12. A store for the sale of tobacco products, newspapers and magazines; and
13. Signs in accordance with the "HH" District provisions;

(b) notwithstanding Section 14A(1) of By-law No. 6593, the following uses shall be permitted in addition to the uses listed in clause (a), above:

<u>S.I.C.</u>		<u>Commercial Uses</u>
<u>Identification</u>		
6211		Household Furniture Stores (With Appliances and Furnishings)
6212		Household Furniture Stores (Without Appliances and Furnishings)
6221		Appliance, Television, Radio and Stereo Stores
6222		Television, Radio and Stereo Stores
6231		Floor Covering Stores
6232		Drapery Stores
6239		Other Household Furnishings Stores
6522		Lawn and Garden Centres
6531		Hardware Stores
6532		Paint, Glass and Wallpaper Stores;

(c) notwithstanding Section 14A of By-law No. 6593, outside storage use in conjunction with a permitted use shall be permitted subject to the following:

1. A visual barrier not less than 1.5 m and not more than 2.0 m in height shall be provided and maintained along the westerly boundary and 20 m along the southerly boundary contiguous to the westerly boundary.
2. The total area of the outside storage shall not exceed 15% of the total lot area;

(d) a landscaped strip not less than 3.0 m in width shall be provided and maintained along the lot line adjoining Centennial Parkway, except for any area used for access driveway(s);

(e) a chain-link fence not less than 1.8 m in height shall be provided and maintained along the northerly property line.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1155.

5. Sheets No. E-112 and E-113 of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1155.

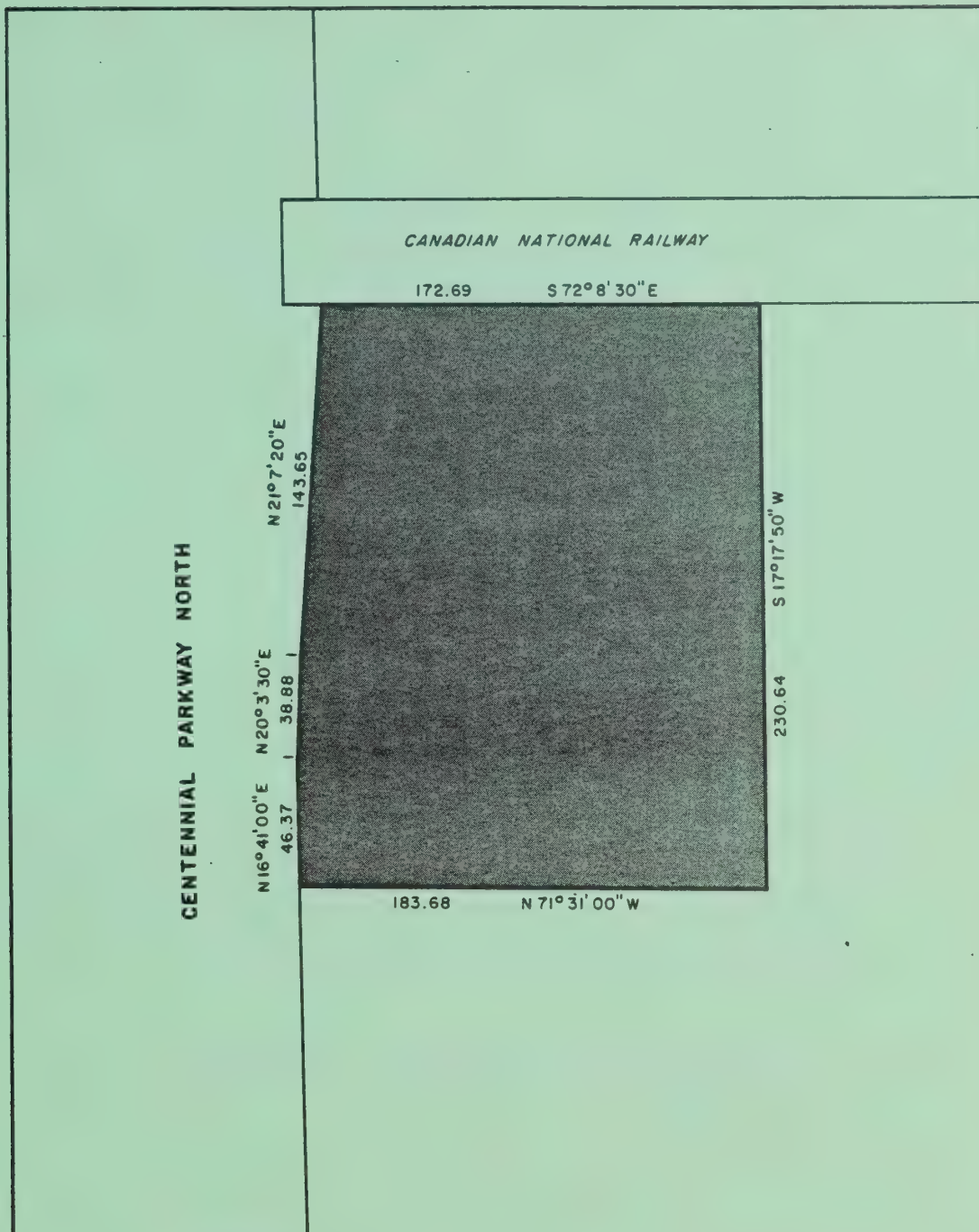
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 1 R.P.D.C. 14(b), January 30
Landawn Shopping Centres (National) Limited,
Prospective Owner
ZA-89-38



NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90 - _____
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF

BY-LAW NO. 90-

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 CHANGE IN ZONING FROM "KK" (RESTRICTED HEAVY INDUSTRIAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

North



Scale
NOT TO SCALE

Date
DEC. 15, 1989

Reference File No.
ZA 89-38

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE REAR OF
MUNICIPAL NO. 1066 UPPER JAMES STREET

and

To Repeal By-law No. 89-365

WHEREAS By-law No. 6593 was passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-365 on the 13th day of December 1989 to change the zoning from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District, and to establish a special requirement under Section 19B of Zoning By-law No. 6593 in respect of the above referred to land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", the text of which by-law was technically incorrect;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 14 of the 2nd Report of the Planning and Development Committee at its meeting held on the 30th day of January 1990 directed that By-law No. 89-365 be repealed and replaced as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 89-365 is hereby repealed.
2. Sheet No. W-9A of the District Maps, appended to and forming part of By-law No. 6593, is amended,
 - (a) by changing from "AA" (Agricultural) District to "G-3" (Public Parking Lots) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

3. The "G-3" (Public Parking Lots) District provisions, as contained in Section 13C of Zoning By-law No. 6593, applicable to the land referred to in section 1 are amended to the extent only of the following special requirements that,

(a) notwithstanding Section 13C(3)(ii) of By-law No. 6593,

(i) a landscaped planting strip not less than 3.0 m in width shall be provided and maintained along the northerly and westerly lot lines, and

(ii) a landscaped planting strip not less than 1.5 m in width shall be provided and maintained along the southerly lot line;

(b) notwithstanding Section 13C(3)(iii) of By-law No. 6593, a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the northerly, southerly and westerly lot lines.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-3" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1103.

6. Sheet No. W-9A of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1103.

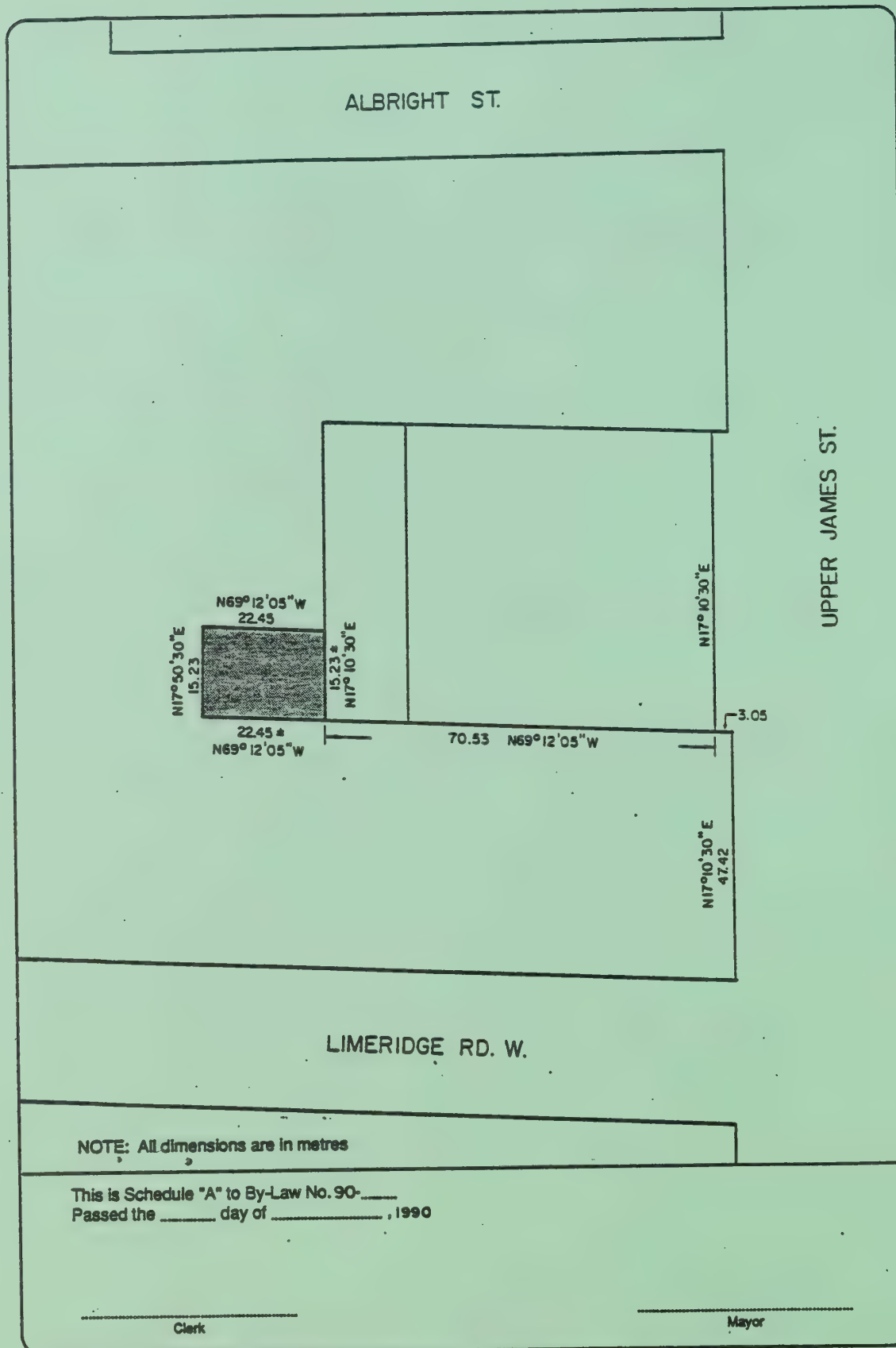
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of

A.D. 1990.

City Clerk

Mayor


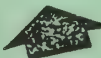


City of Hamilton

Schedule A

Map Forming Part of
 By-Law No. 90-_____
 to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend		
	CHANGE IN ZONING FROM "AA"(AGRICUL- TURAL) DISTRICT TO "G-3"(PUBLIC PARKING LOTS) DISTRICT.	
North 	Scale NOT TO SCALE	Reference File No. ZA-88-82
	Date DEC. 1989	Drawn By G.G.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 16-20 WELLINGTON STREET NORTH
AND 15-27 WEST AVENUE NORTH

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-13 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "G-3" (Public Parking Lots) District, the land comprised in Block 1,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "G-3" (Public Parking Lots) District provisions, as contained in Section 13C of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 13C, a three (3) car garage to be used in conjunction with a funeral home on Block 3 shall be permitted;
- (b) notwithstanding subsection 13C(3)(i) of By-law No. 6593, a landscaped area of not less than 3.0 m in width, and a visual barrier not less than 1.2 m and not more than 2.0 m in height within the landscaped area, shall be provided and maintained along the easterly lot line adjoining West Avenue North.

3. The "H" (Community Shopping and Commercial, etc.) District, as contained in Section 14 of Zoning By-law No. 6593, applicable to the land shown as Block 2 on a plan hereto annexed as Schedule "A" are amended to the extent only of the special requirement that,

- (a) a landscaped area of not less than 3.0 m in width, and a visual barrier not less than 1.2 m and not more than 2.0 m in height within the landscaped area, except for any access driveway, shall be provided and maintained along the easterly lot line adjoining West Avenue North.

4. The "H" (Community Shopping and Commercial, etc.) District, as contained in Section 14 of Zoning By-law No. 6593, applicable to the land shown as Block 3 on a plan hereto annexed as Schedule "A" are amended to the extent only of the special requirements that,

- (a) notwithstanding Subsection 14.(1) of By-law No. 6593, a funeral home shall be permitted;
- (b) notwithstanding Subsection 14.(3)(i) of By-law No. 6593, a front yard not less than 1.7 m in depth shall be provided and maintained;
- (c) notwithstanding subsection 14.(3)(i) of By-law No. 6593, as amended by clause (b), a sign shall be permitted in the required front yard;
- (d) subsection 14.(3)(iii)(c) of By-law No. 6593 shall not apply;
- (e) notwithstanding Subsection 18A.(9) of By-law No. 6593, the required parking space, loading space, and manoeuvring space for the use in (a), may be provided and maintained on the lands shown as Blocks 1 and 2 on Schedule "A" annexed hereto.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-3" District provisions, subject to the special requirements referred to in section 2 and the "H" District provisions, subject to the special requirements referred to in sections 3 and 4.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1135.

7. Sheet No. E-13 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1135.

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

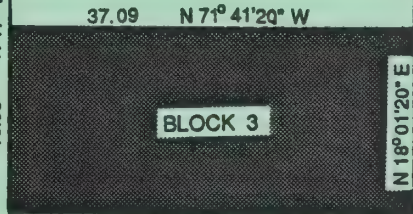
City Clerk

Mayor

(1989) 19 R.P.D.C. 26(a), August 29
Trillium Funeral Services Corporation, Owner
ZA-89-49

WELLINGTON STREET NORTH

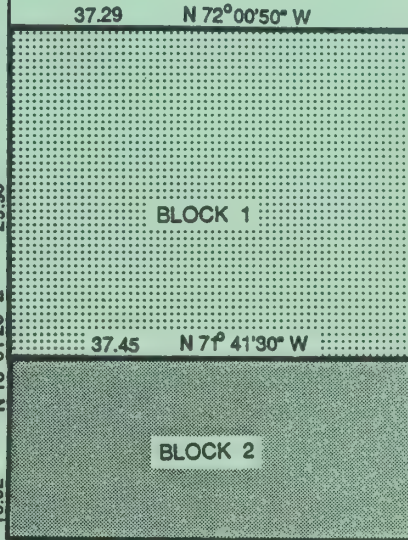
18.93 N 17°40'13" E



36.97 N 71°41'30" W Public

Public Alley

16.92 N 18°01'20" E 29.90



37.45 N 71°41'30" W Alley

30.10 N 17°57'45" E

16.92 N 17°57'45" E

WEST AVENUE NORTH

Wellington Park

NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No.
Passed the day of, 19 ..

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No.

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

BLOCK 1

Change in Zoning From "E" (Multiple
Dwellings, Lodges, Clubs, etc.) District To
"G-3" (Public Parking Lots) District, modified.

BLOCK 2

Modification To The "H" (Community
Shopping and Commercial, etc.) District.

BLOCK 3

North



Scale
NOT TO SCALE

Reference File No.
ZA - 89 - 49

Date
Aug. 17, 1989

Drawn By
W.B.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 16-20 WELLINGTON STREET NORTH
AND 15-27 WEST AVENUE NORTH

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 40 of the Planning Act, 1983], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

120. Lands located at Municipal Nos. 16-20 Wellington Street North and 15-27 West Avenue North, shown on Appendix 120 hereto annexed and forming part of this by-law.

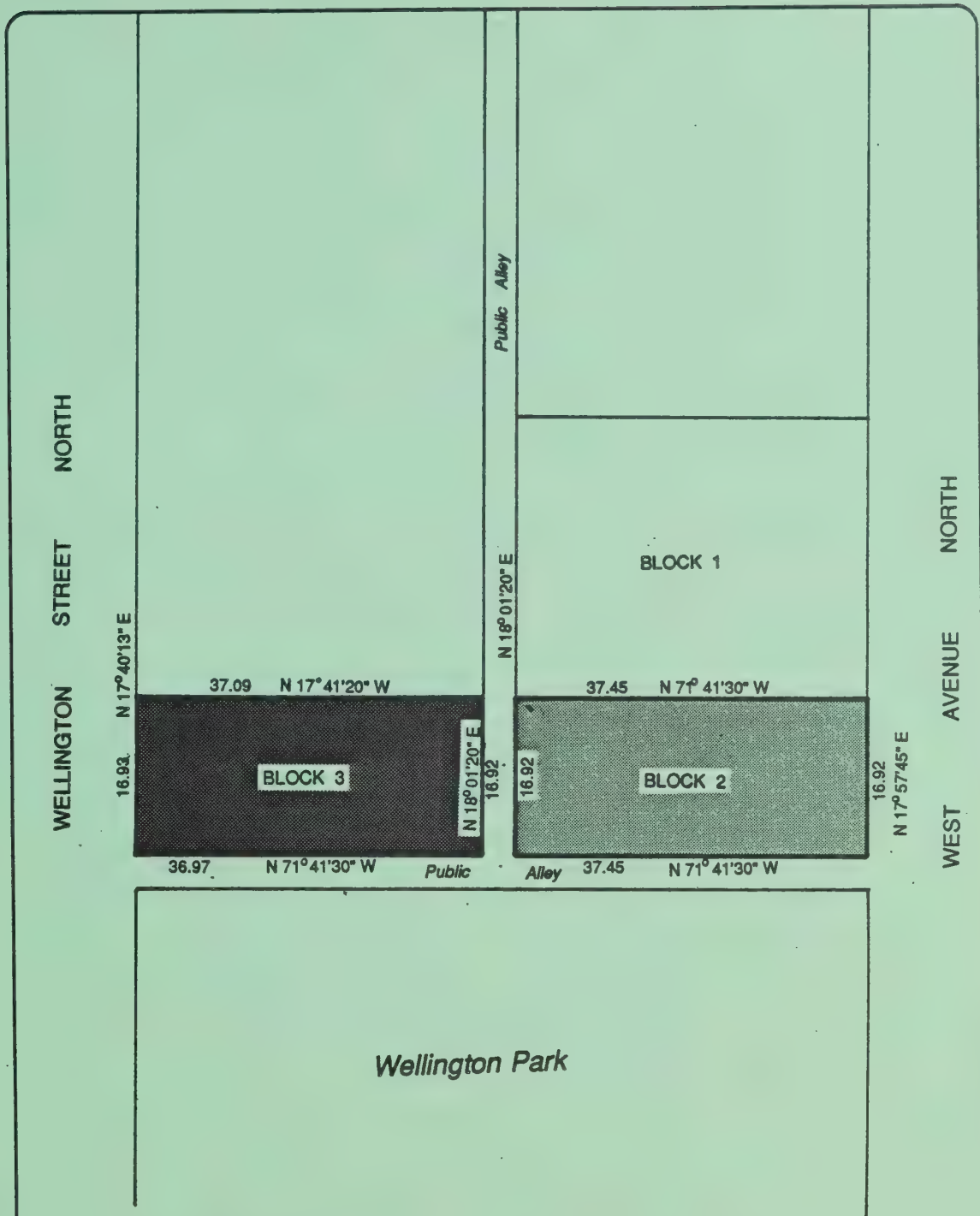
2. Schedule "A" is annexed hereto and forms part of this by-law and By-law No. 79-275 as Appendix 120.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 19 R.P.D.C. 26(b), August 29
Trillium Funeral Services Corporation, Owner
ZA-89-49



NOTE: All dimensions are in metres

This is Schedule A to By-Law No.
 Passed the day of , 19

.....
 Clerk

.....
 Mayor

City of Hamilton
Appendix 120
 to By-Law No.79-275
 as Amended by
 By-Law No.87-223

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend

BLOCK 2



BLOCK 3

Lands Designated Under this By-Law
 as an area of Site Plan Control pursuant
 to Section 40 of the Planning Act.

North



Scale
 NOT TO SCALE

Date
 Aug. 17, 1989

Reference File No.
 ZA - 89 - 49

Drawn By
 W. B.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Designate:

LAND LOCATED AT MUNICIPAL NO. 96 JAMES STREET SOUTH

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(1)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 96 James Street South and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,
(i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
(ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this day of A.D. 1990.

City Clerk

Mayor

Schedule "A"

To

By-law No. 90-

96 James Street South, Hamilton, Ontario

ALL THAT certain parcel of land situate in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth and Province of Ontario and being composed of parts of Lots numbers Seventy-five and Seventy-six in the block bounded by Jackson, James, Hunter and MacNab Streets described as follows:

COMMENCING at the south-west corner of Jackson and James Streets;

THENCE southerly along James Street One Hundred and Seventeen feet;

THENCE westerly parallel with Jackson Street One Hundred and Twenty-two feet, Nine inches more or less to the westerly limit of Lot number Seventy-six;

THENCE northerly along the westerly limit of the said Lot number Seventy-six, One Hundred and Seventeen feet more or less to Jackson Street;

THENCE easterly along Jackson Street One Hundred and Twenty-two feet Nine inches more or less to the place of beginning.

As described in Instrument No. 59712 Hamilton.

SCHEDULE "B"

To

By-law No. 90-

REASONS FOR DESIGNATION

96 James Street South, Hamilton, Ontario

Context

The James Street Baptist Church, constructed in 1878-1882, is located in the Central Area of Hamilton at the south-west corner of James and Jackson Streets. Situated to the south of St. Paul's Presbyterian Church, the Baptist Church has long been recognized as an important downtown landmark in its own right as well as a major component in the James-Main historic streetscape which includes St. Paul's, the former Bank of Montreal, the Sun Life and Pigott buildings, all of which are designated under the Ontario Heritage Act.

Architectural Significance

The church is designed in the Gothic Revival Style; its massive stone construction and complex, monumental composition are indicative of a later, High Victorian phase of the style.

Unique among Hamilton churches, the James Street church is particularly distinguished for its use of rock-faced masonry walls, dominant corner tower and heavily buttressed facades. At ground level, the building is characterized by the solidity of its raised stone basement penetrated only by the central and tower entrances and by the small openings of lancet windows and circular quatrefoil decorations (the basement windows were a later addition).

In contrast, on the second storey where the tall sanctuary is located, the pointed-arch, traceried windows are the dominant features. Of special interest is the elaborate rose window at the west end of the nave and the immense, six-partite, Decorated Gothic window at the front facade.

The exterior displays a vigorously articulated composition of projecting transepts, aisles, narthex, pinnacles, buttresses and corner tower. Likewise, the surfaces continue the richly modelled effect in the rock-faced texture of the masonry, the contrasting cut-stone decoration, ornamental mouldings and stepped profile of the buttresses.

Architect of the church, Joseph Connolly, is well known as the designer of a number of Roman Catholic churches in Ontario, including St. Patrick's in Hamilton (1877); Church of Our Lady of the Immaculate Conception in Guelph (designed 1863; built 1876-1926); St. Mary's and St. Paul's (1887-89) in Toronto; and St. Peter's Cathedral Basilica (1885) in London, Ontario. James Street Baptist Church is considered to be Connolly's only protestant church design in Ontario.

Historical Significance

The James Street Church is the oldest, surviving Baptist church in Hamilton. Their first church had been erected on Park Street North in 1846 and enlarged in 1862, but the James Street structure marks the construction of the Baptist's first major, monumental church building in the City.

During its 107 year history, the James Street Baptists have founded as many as 15 missions, a number of which have developed into permanent churches including Wentworth, Stanley Avenue, Trinity, King St., Bethel, MacNeill Memorial, and Westmount.

In 1930, when McMaster, originally a Baptist university, relocated to Hamilton from Toronto, the James Street Baptist Church donated funds to the move and welcomed the faculty into their membership.

Designated Features

Important to the preservation of the James Street Baptist Church are the original features of the exterior facades, including the slate roof, masonry walls and detailing, all windows including the stained glass, and the door openings, but excluding the recent alterations of new doors and the new glazing of the front entrance.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Designate:

LANDS LOCATED AT MUNICIPAL NOS. 72 and 74 GEORGE STREET

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1980, Chapter 337;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(1)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal Nos. 72 and 74 George Street and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, are hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,
(i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;
(ii) to publish a notice of this by-law in a newspaper having general circulation in the Municipality of the City of Hamilton for three consecutive weeks.

PASSED this day of A.D. 1990.

City Clerk

Mayor

Schedule "A"

To

By-law No. 90-

72 and 74 George Street, Hamilton, Ontario

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in The Regional Municipality of Hamilton-Wentworth (formerly in the County of Wentworth), in the Province of Ontario being composed of:

FIRSTLY:

Part of Lot 9 and Part of Lot 10, Tiffany's Survey fronting on George Street in the block lying between King, George, Caroline and Hess Streets according to the County of Wentworth Land Registry Map or Office Plan of said City, being the easterly portion of said lot on which is erected a certain brick dwelling house No. 72 (formerly 40) on the said street more particularly known and described as follows, that is to say:

COMMENCING at a point on the northerly side of George Street where said street intersects the westerly side of the lane or passageway between the premises hereby conveyed and the premises and house No. 68 (formerly 38-1/2) on the east side thereof, said point of intersection being 207 feet 7 inches more or less measured easterly from Hess Street;

THENCE westerly along the north side of George Street a distance of 23 feet more or less to a point directly opposite the centre of the party wall between houses City Nos. 72 and 74;

THENCE northerly and parallel with the eastern boundary of said lot through the centre of the party wall between the house hereby conveyed and the next house adjoining on the west and the continuation thereof in all a distance of 95 feet more or less to a fence marking the rear boundary of the premises hereby conveyed;

THENCE easterly along said fence line and about parallel with George Street 14 feet 2 inches to a point where the said fence turns south easterly;

THENCE south easterly and still following along said fence line, 13 feet 7 inches to the westerly side of said lane or passageway at a point 85 feet more or less northerly from George Street;

THENCE southerly along the westerly margin of said lane 85 feet more or less to the northerly limit of George Street being the place of beginning.

TOGETHER WITH the right-of-way in, over and upon the alleyway between said Lot 9 and Lot 10 and the continuation thereof after it turns westerly, in common with the owners and occupants of said lots, reserving to one Allan Holford Walker, his heirs, and assigns a right-of-way in, over and upon said alleyway in common with the owners and occupants of said Lots 9 and 10.

The lands hereby conveyed being in George S. Tiffany's Survey.

The above lands are municipally known as 72 George Street, Hamilton, Ontario.

As described in Instrument No. 246588 C.D.

SECONDLY:

Part of Lot nine (9), on the North side of George Street in the block bounded by George, Hess, King and Caroline Streets, in G. S. Tiffany's Survey (unregistered), more particularly described as follows:

PREMISING that bearings are astronomic in nature and are referred to the Easterly limit of Hess Street as being North seventeen degrees, fifty-four minutes and forty-six seconds East (N. 17°54'46"E.) shown on Boundaries Act Plan No. BA-654 registered as Instrument D-8, and relating all bearings herein thereto;

COMMENCING at the point of intersection of the Northerly limit of George street with the production Southerly of the centre line of a Party Wall separating dwelling Nos. 76 and 74 George Street, the said point being distant twenty-three and twenty-five one-hundredths feet (23.25') measured South sixty-eight degrees, nineteen minutes and fourteen seconds East (S.68°19'14"E.) along the said Northerly limit from the Southwest angle of the said Lot 9, and also being the Southeasterly corner of Part 1 as designated on Plan 62R-5838;

THENCE North twenty degrees, eighteen minutes East (N. 20°18'E.) along the said centre line being also the Easterly limit of the said Part 1, seventy-eight and thirty-four one-hundredths feet (78.34') to an iron bar;

THENCE North eighteen degrees, eighteen minutes East (N:18°18'E.) continuing along the Easterly limit of that said Part 1, sixteen and forty-four one-hundredths feet (16.44') to the Southwesterly corner of Part 7 as designated on the said reference plan;

THENCE South sixty-eight degrees, thirty-eight minutes East (S.68°38'E.) along the Southerly limit of the said Part 7, twenty-six feet (26.0') to an iron bar;

THENCE South twenty-two degrees, fifty-nine minutes West (S.22°59'W.), forty-eight and eighty-three one-hundredths feet (48.83') to a point in the centre line of the Party Wall separating dwellings Nos. 74 and 72 George Street;

THENCE South twenty degrees, ten minutes and ten seconds West (S.20°10'10"W.) along the last mentioned centre line and its production Southerly, forty-six and eight one-hundredths feet (46.08') to a point in the Northerly limit of George Street;

THENCE North sixty-eight degrees, nineteen minutes and fourteen seconds West (N.68°19'14"W.) along the Northerly limit, last mentioned, twenty-three and twenty-five one-hundredths feet (23.25') to the point of commencement;

TOGETHER WITH a right-of-way for ingress and egress over Part 7 being part of said Lot 9 and Part 8 being part of Lot 10 on the North side of George Street, in the Block bounded by George, Hess, King and Caroline Streets, in G. S. Tiffany's Survey (unregistered), in the City of Hamilton, The Regional Municipality of Hamilton-Wentworth, Province of Ontario, both said Parts 7 and 8 included on a plan deposited in the Land Registry Office for the Registry Division of Wentworth at Hamilton as Plan 62R-5838.

As described in Instrument No. 356234 C.D.

SCHEDULE "B"

To

By-law No. 90-

REASONS FOR DESIGNATION

72-74 George Street, Hamilton, Ontario

Context

72-74 George Street constitutes two units of a three-unit, two storey brick rowhouse built in 1873-4 for tailor Charles Foster. This terrace now marks the eastern edge of Hess Village, a cluster of Victorian houses in the four blocks bounded by Main, King, Queen and Caroline Streets which was transformed into a small area of boutiques and professional offices in the early 1970s. Prior to this time, it was an integral component of a late 19th and early 20th century residential streetscape extending from Queen to Caroline, the easternmost section of which has since been lost.

Architectural Significance

Typical in form of terraces built in the City throughout the latter half of the 19th century, 72 and 74 George Street are three bay units with side entrances, separated by parapet walls with built-in chimneys. The doorways with both transom and sidelights are reminiscent of the City's stone terraces dating from the 1850s and 60s, as also are the cut-stone window and door sills and lintels. The eaves were originally embellished with wooden brackets reflecting the influence of the Italianate style on Hamilton's residential architecture in the 1870s. The building has survived relatively intact, although the four original ground floor windows (including the stone sills and lintels) were removed and replaced in the early 1970s by large bay windows reflecting the change from residential to commercial use.

History

The terrace was erected on the west side of Charles Foster's own house at 68 George Street (demolished in the mid-1970s). By the late 1880s all three units were individually owned. Since 1974 the terrace has accommodated a variety of retail establishments and restaurants, with #72 reverting back to residential use in 1983.

Designated Features

Important to the preservation of 72-74 George Street are the original features of the south (front) and east facades, including the roof and visible parapet walls, the doorways (excluding the modern doors), the second storey double-hung sash windows (originally all two-over-two), and the ground floor window openings (excluding the modern bay windows).

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO EXPROPRIATE LANDS THAT DO NOT CONFORM
WITH BY-LAWS PASSED UNDER SECTION 34 OF
THE PLANNING ACT, S.O. 1983, CHAPTER 1

WHEREAS Section 34 , subsection (8) of The Planning Act, S.O. 1983, Chapter 1 provides that a municipality may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under Section 34 of The Planning Act;

AND WHEREAS the lands, buildings or structures described and included in the lands described in Schedule "A" below are used or erected for a purpose that does not conform with by-laws passed under Section 34 of The Planning Act;

AND WHEREAS Section 193 of The Municipal Act, R.S.O. 1980, Chapter 302 states that the Council of a municipality may pass by-laws for acquiring or expropriating any land required for the purpose of the Corporation;

AND WHEREAS on June 27th, 1989, The Corporation of the City of Hamilton, as an expropriating authority, pursuant to The Expropriations Act, R.S.O. 1980, Chapter 148 did authorize an application to the Council of The Corporation of the City of Hamilton, as approving authority, for approval of the expropriation pursuant to said Section 34, subsection (8), of the lands set out in Schedule "A" below;

AND WHEREAS Notices of the said application as required under The Expropriations Act have been duly served in accordance with The Expropriations Act;

AND WHEREAS The Corporation of the City of Hamilton, as expropriating authority, did publish Notice of the said application in The Spectator, a newspaper having general circulation in the City of Hamilton in accordance with the said Expropriations Act;

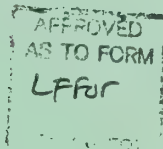
AND WHEREAS pursuant to the said Expropriations Act, an inquiry hearing to determine if the proposed expropriation was fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority was not requested by owners of the said lands;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. As approving authority under The Expropriations Act, the Council of The Corporation of the City of Hamilton hereby approves the said application to expropriate the lands described in Schedule "A" set out below.
2. As expropriating authority under The Expropriations Act, The Corporation of the City of Hamilton hereby expropriates the lands described in Schedule "A" set out below.

3. That the City Clerk and the proper officers of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this by-law and this authority shall include the taking of all necessary proceedings to enter and take possession of the lands herein expropriated.

PASSED this day of , A.D. 1990.



Mayor

City Clerk

SCHEDULE "A"

That certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of Part of Lot 9, Concession 1, in the geographic township of Barton and designated as Parts 1 and 2 and Part of Reserve, Registered Plan 547, designated as Part 4, all on Plan 62R-10267, subject to a right-of-way over Part of said Lot 9, designated as Part 2 on Plan 62R-10267, together with a right-of-way over Part of said Lot 9, designated as Part 3 on Plan 62R-10267, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

(File 55-0/89.1, Item No. 10, Committee T & E 16-89, Council 90.)

BY-LAW NO. 90

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF
HAMILTON AT ITS MEETING HELD ON THE 13th DAY OF FEBRUARY A.D., 1990.

WHEREAS by Section 19 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario, 1980, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 103 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario 1980, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this

day of

A.D. 1990

CITY CLERK

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE PART 3 AND
THE EASTERLY 58.55m OF PART 2, PLAN 62R-9377
INTO ROYALVISTA DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Royalvista Drive by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Royalvista Drive.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

SCHEDULE 'A'

Being composed of Parts of Lot 6, Concession 8
in the former geographic Township of Barton
City of Hamilton
Regional Municipality of Hamilton-Wentworth
designated as all of Part 3 and
the easterly 58.55m of Part 2, Plan 62R-9377.

BY-LAW NO. 90 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 29 (No Stopping Areas) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Princeton	East	Morningside to 118 feet south	Anytime
McElroy	North	Upper Wellington to 55 feet west	Anytime".

and by deleting therefrom the following item, namely:-

"Princeton	East	Morningside to 99 feet south	Anytime".
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2. Schedule 31 (School Bus Loading Zones) is hereby amended by adding thereto the following item, namely:-

"Hummingbird	East	120 feet	commencing at a point 502 feet south of Bobolink	7:00 am - 6:00 pm Mon to Sat".
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and by deleting therefrom the following item, namely:-

"Hummingbird	East	80 feet	commencing at a point 542 feet south of the south curb line of Bobolink	7:00 am - 6:00 pm Mon to Sat".
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3. Schedule 35 (Wheelchair Loading Zones) is hereby amended by adding thereto the following item, namely:-

"Gertrude	North	26 feet	615 feet west of Depew	8:00 am - 6:00 pm Mon to Fri".
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and by deleting therefrom the following item, namely:-

"Gertrude	North	28 feet	587 feet west of Depew	8:00 am - 6:00 pm Mon to Fri".
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PASSED THIS DAY OF , A.D. 19 .

 CITY CLERK

 MAYOR

BY-LAW NO. 90 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 25B (Parking Time Limits) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding to Section 4 (One Hour Limit) the following items, namely:-

"Strachan	South	John to 141 feet west
Rideau	Both	Moxley to westerly end".

2. Schedule 26 (No Parking Areas) is hereby amended by adding to Section C (No Parking, 7:00 am to 6:00 pm, Monday to Saturday) the following item, namely:-

"Aikman	North	from 142 feet east of Wentworth to a point 140 feet easterly therefrom".
---------	-------	--

and by deleting therefrom the following item, namely:-

"Aikman	North	from 241 ft. east of Wentworth to 65 ft. east".
---------	-------	---

3. Schedule 26A (No Parking Areas) is hereby amended by adding to Section F (No Parking, 8:00 am to 4:00 pm, Monday to Friday) the following items, namely:-

"Roxborough	South	Graham to 96 feet east
Hummingbird	West	Skylark to Bobolink".

and by deleting therefrom the following item, namely:-

"Roxborough	South	Graham to Houghton".
-------------	-------	----------------------

4. Schedule 27 (Alternate Side Parking) is hereby amended by adding thereto the following item, namely:-

"Rideau	North	South".
Moxley to westerly end		

5. Schedule 34 (Sticker Permit Parking) is hereby amended by adding thereto the following items, namely:-

"Mary	East	commencing 91 feet south of Simcoe to a point 23 feet southerly therefrom	Anytime
Locke	East	commencing 80 feet north of Napier to a point 102 feet northerly therefrom	Anytime."

and by deleting therefrom the following item, namely:-

"Locke	East	commencing 80 feet north of Napier to a point 152 feet northerly therefrom	Anytime".
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PASSED THIS

DAY OF

, A.D. 19

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Adopt:

Official Plan Amendment No. 84

Respecting:

LAND LOCATED AT MUNICIPAL NO. 420 RYMAL ROAD EAST,
WITHIN THE BROUGHTON WEST NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 84 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 1 R.P.D.C. 13(a), January 30
J. and E. Spenuk, Owners
ZA-89-94

Amendment No. 84
to the
City of Hamilton Official Plan

The following text, together with Schedule "A", attached hereto, constitutes Official Plan Amendment No. 84.

PURPOSE

The purpose of this Amendment is to redesignate the subject lands from "Residential" to "Commercial" on Schedule "A" - Land Use Concept of the Official Plan.

LOCATION

The lands affected by this Amendment are known municipally as 420 Rymal Road East, within the Broughton West Neighbourhood.

BASIS

The proposal is to develop the subject lands for a commercial plaza, containing retail stores, professional offices, etc. Council has deemed the proposal appropriate development at this location, and compatible with the surrounding land use pattern.

ACTUAL CHANGE

Schedule "A" - Land Use Concept be revised by redesignating the subject lands from "Residential" to "Commercial", as shown on the attached Schedule "A" of this Amendment.

IMPLEMENTATION

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 90- , passed on the day of , 1990.

The Corporation of the
City of Hamilton

City Clerk

7

Mayor

schedule A amendment no. 84 to the official plan for the city of hamilton

legend
area to be changed from
"Residential to "Commercial"

date
Jan 04, 1990
drawn by
R.L.
reference file no
6-2-84

DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT

Lake Ontario

Hamilton Harbour

Cootes
Paradise

land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- central policy area
- special policy area
- watershed basin
- per numbers
- sub regional centre

schedule A

to the official plan
of the city of hamilton



The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Adopt:

Official Plan Amendment No. 85

Respecting:

LANDS LOCATED NORTH OF RYMAL ROAD EAST,
BETWEEN UPPER WENTWORTH STREET AND UPPER SHERMAN AVENUE,
WITHIN THE BUTLER NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 85 to the Official Plan of the Hamilton
Planning Area consisting of Schedule 1, hereto annexed and forming
part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval
of the Official Plan Amendment referred to in section 1 above, as
may be requisite, be obtained and for the doing of all things for
the purpose thereof.

PASSED this day of A.D. 1990.

City Clerk

Mayor

Amendment No. 85
To The
City of Hamilton Official Plan

The following text, together with Schedule "A", attached hereto, constitute Official Plan Amendment No. 85.

Purpose

The purpose of this Amendment is to redesignate the subject lands from "Utilities" to "Residential".

Location

The lands affected by this Amendment are located north of Rymal Road East, between Upper Wentworth Street and Upper Sherman Avenue, within the Butler Neighbourhood.

Basis

The subject lands were, until recently, part of a utilities corridor owned by Ontario Hydro, and thus designated "Utilities". However, the lands have since been deemed surplus and sold by Ontario Hydro.

The subject lands are part of a proposed plan of subdivision, to be rezoned for single-family dwellings, zero lot-line single-family dwellings, townhouses, apartment developments, and a block for commercial development. The subject lands are proposed for single-family dwellings. The proposal can be permitted on the basis that it will provide for a variety of housing types in the Butler Neighbourhood, including single-family dwellings in the interior and higher density residential uses on the periphery.

Actual Changes

Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Utilities" to "Residential", as shown on the attached Schedule "A" of this Amendment.

Implementation

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule 1 to By-law No. 90-_____, passed on the _____ day of _____, 1990.

The Corporation of the
City of Hamilton

City Clerk

Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Adopt:

Official Plan Amendment No. 86

Respecting:

LANDS LOCATED ALONG CENTENNIAL PARKWAY NORTH,
FROM THE Q.E.W. TO THE CITY LIMITS,
WITHIN THE NASHDALE, LAKELY, KENTLEY AND RIVERDALE WEST NEIGHBOURHOODS

The Council of The Corporation of the City of Hamilton
enacts as follows:

1. Amendment No. 86 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of A.D. 1990.

City Clerk

Mayor

Amendment No. 86

To The

City of Hamilton Official Plan

The following text, together with Schedules "A", "B" and "H", attached hereto, constitute Official Plan Amendment No. 86.

Purpose

The purpose of this Amendment is to:

- redesignate lands located on the west side of Centennial Parkway North, between the Q.E.W. and the C.N. railway tracks, from "Industrial" to "Commercial", and remove them from "Special Policy Area 11";
- redesignate lands located on the east side of Centennial Parkway North, north of Barton Street East, from "Industrial" to "Commercial", remove them from "Special Policy Area 11", and establish a new Special Policy Area to limit the types of commercial uses permitted;
- designate the lands along Centennial Parkway North, from the Q.E.W. to the City limits, as a "Community Improvement Area"; and,
- introduce a new policy to Subsection B.3.5 - Rail Service.

Location

The lands affected by this Amendment are generally located along Centennial Parkway North, from the Q.E.W. to the City limits, within the Nashdale, Lakely, Kentley and Riverdale West Neighbourhoods.

Basis

This Amendment is a result of a detailed study of Centennial Parkway North from Lake Ontario (to the north) to Queenston Road (to the south).

The study (Gateway East Study) was initiated to assess:

- ways and means of improving the promotion of the hospitality industry in the City; and,

- the present and proposed zoning and development of properties fronting on Highway 20 (Centennial Parkway) to ensure maximum benefits to the City as a growth area.

The changes to the Official Plan introduced by this Amendment (among other actions) will implement the findings of the Gateway East Study.

Actual Changes

- 1) Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the lands located on the west side of Centennial Parkway North, between the Q.E.W. and the C.N. railway tracks, and the lands located on the east side of Centennial Parkway North, north of Barton Street East, from "Industrial" to "Commercial", as shown on the attached Schedule "A" of this Amendment.
- 2) Schedule "B" - Special Policy Areas be revised by:
 - removing the lands located on the west side of Centennial Parkway North, between the Q.E.W. and the C.N. railway tracks, from "Special Policy Area 11"; and,
 - removing the lands located on the east side of Centennial Parkway North, north of Barton Street East, from "Special Policy Area 11", and establishing "Special Policy Area 49"; and,
 - adding "Area 49 refer to Policy A.2.9.3.44", in the legend,
 as shown on the attached Schedule "B" of this Amendment.
- 3) Schedule "H" - Community Improvement Areas of the Official Plan be revised by designating the lands along Centennial Parkway North, from the Q.E.W. to the City Limits, as a "Community Improvement Area", as shown on the attached Schedule "H" of this Amendment.
- 4) The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.44:

"Notwithstanding the permitted uses as set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 49, and located on the east side of Centennial Parkway North, north of Barton Street East, only limited commercial uses which support tourism and cater to the travelling public, such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs, and similar uses, will be permitted."

5) Subsection B.3.5 - Rail Service be revised by:

- amending existing Policies 3.5.3 through 3.5.6, by renumbering them 3.5.4 to 3.5.7 ; and,
- adding a new Policy 3.5.3, as follows:

"Further to Policy 3.5.2, above, Council recognizes the concerns of the railway companies with regards to the potential impacts on their property by major development/redevelopment proposals adjacent to rail lines. In this regard, applicants will be directed to consult with the appropriate railway company regarding such matters as drainage, fencing, and setbacks."

Implementation

The provisions of Section D - Implementation of the Official Plan will apply to the implementation of this Amendment.

This is Schedule 1 to By-law No. 90-_____, passed on the ____ day of _____, 1990.

The Corporation of the

City of Hamilton

City Clerk

Mayor

schedule A
 amendment no. 86
 to the
 official plan
 for the
 city of hamilton

legend	
area to be changed from:	
	Industrial to "Commercial"
date	drawn by
Jan. 11, 1990	R. L.
replaces file no.	
6 - 2 - 88	






Lake Ontario

DEFERRED NO D-6
 UNDER SECTION 14(3) OF
 THE PLANNING ACT



land use concept

legend

	residential
	commercial
	industrial
	open space
	open space
	major institutional
	utilities
	central policy area



* not required zone

schedule A
 to the official plan
 for
 the city of hamilton
 SEPT. 30, 1988

schedule B amendment no. 86 to the official plan for the city of hamilton

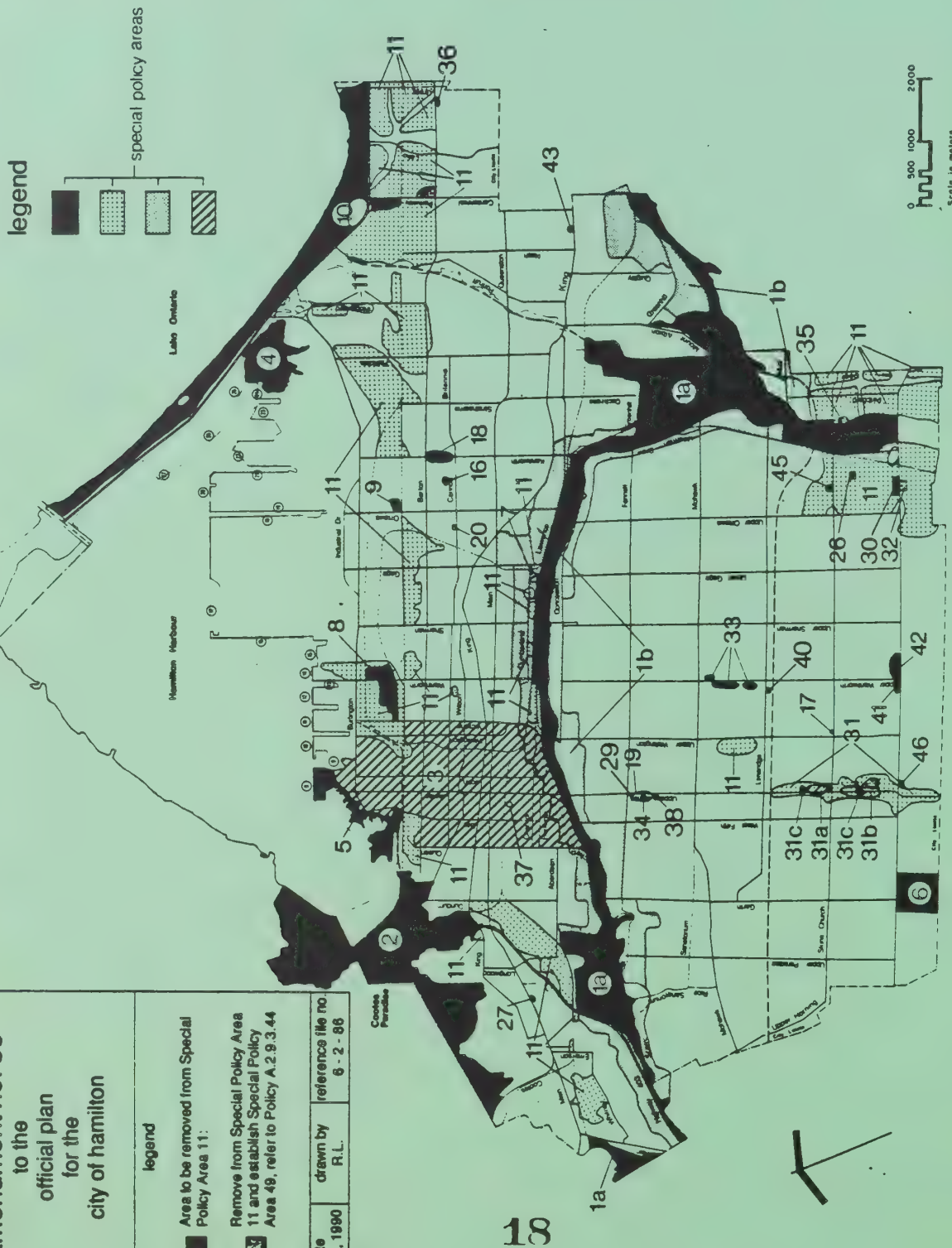
legend

- Area to be removed from Special Policy Area 11:
- Remove from Special Policy Area 11 and establish Special Policy Area 48, refer to Policy A.2.9.3.44

date
JAN.11, 1990

drawn by
R.L.

reference file no.
6 - 2 - 86



special policy areas

AREA	REFER TO SUBSECTION
1(a)	A.2.9.1.
1(b)	A.2.9.1.
2	A.2.9.2.
3	A.2.9.3.

AREA	REFER TO POLICY
3	A.2.9.3.1.
4	A.2.9.3.2.
5	A.2.9.3.3.
6	A.2.9.3.4.
7	A.2.9.3.5.
8	A.2.9.3.6.
9	A.2.9.3.7.
10	A.2.9.3.8.
11	A.2.9.3.9.
12	A.2.9.3.10.
13	A.2.9.3.11.
14	A.2.9.3.12.
15	A.2.9.3.13.
16	A.2.9.3.14.
17	A.2.9.3.15.
18	A.2.9.3.16.
19	A.2.9.3.17.
20	A.2.9.3.18.
21	A.2.9.3.19.
22	A.2.9.3.20.
23	A.2.9.3.21.
24	A.2.9.3.22.
25	A.2.9.3.23.
26	A.2.9.3.24.
27	A.2.9.3.25.
28	A.2.9.3.26.
29	A.2.9.3.27.
30	A.2.9.3.28.
31	A.2.9.3.29.
32	A.2.9.3.30.
33	A.2.9.3.31.
34	A.2.9.3.32.
35	A.2.9.3.33.
36	A.2.9.3.34.
37	A.2.9.3.35.
38	A.2.9.3.36.
39	A.2.9.3.37.
40	A.2.9.3.38.
41	A.2.9.3.39.
42	A.2.9.3.40.
43	A.2.9.3.41.
44	A.2.9.3.42.
45	A.2.9.3.43.
46	A.2.9.3.44.

Refer to Schedule B - 1 for Special Policy Areas in the Downtown

schedule B to the official plan for the city of hamilton

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1050 RYMAL ROAD EAST

WHEREAS it is intended to establish a special requirement under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "M-12" (Prestige Industrial) District provisions, as contained in Section 17D of Zoning By-law No. 6593, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirement that,

(a) that notwithstanding Section 17(D)(1)(b) of By-law No. 6593, the following Commercial Use shall be permitted:

<u>Commercial Use</u>	<u>S.I.C. Number</u>
Gasoline Service Station, restricted to	6331
1. Lubrication services, motor vehicles.	

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-12" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1154.

4. Sheet No. E-49E of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1154.

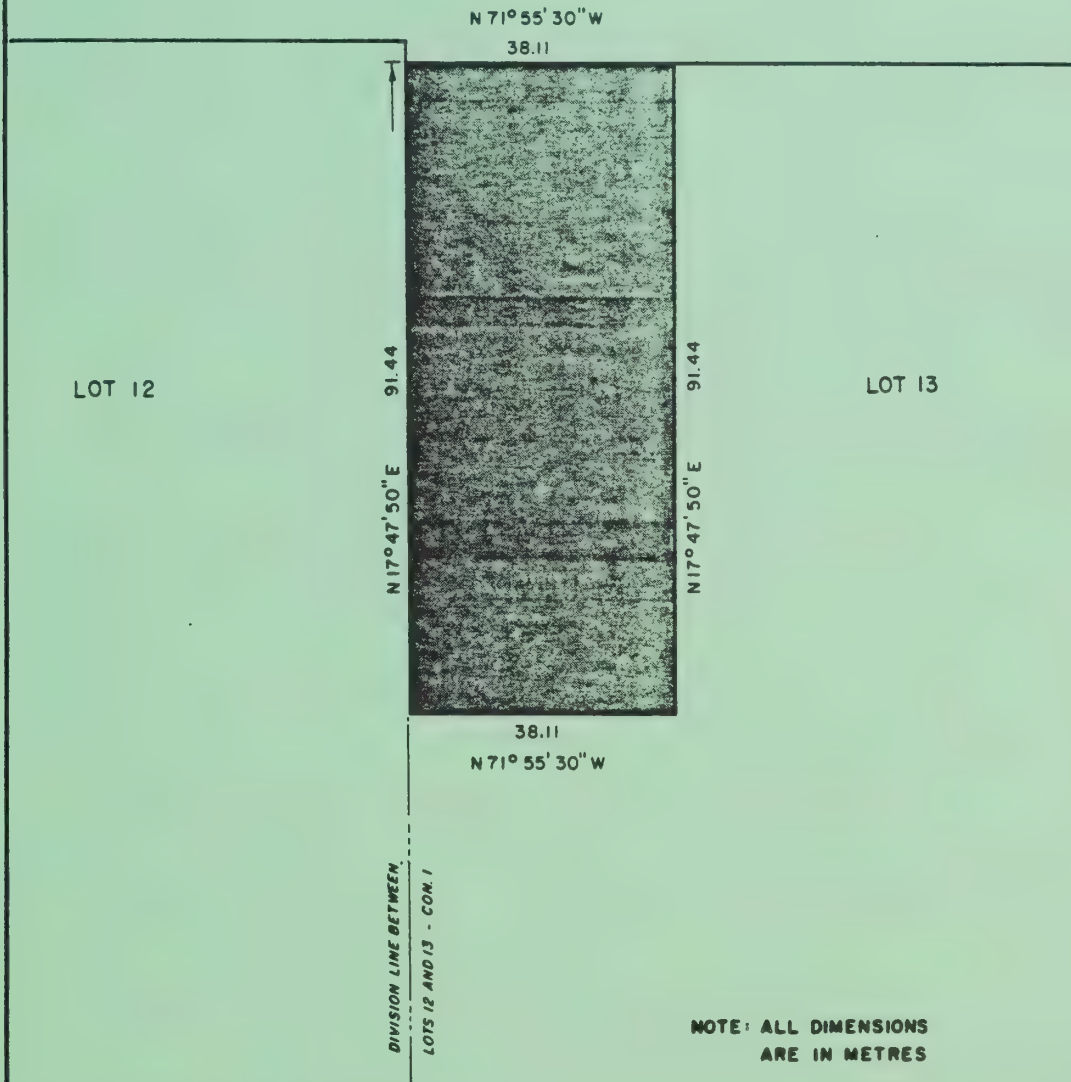
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor

RYMAL ROAD EAST





THIS IS SCHEDULE "A" TO BY-LAW NO. 90-_____
PASSED THE ____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND		
 LANDS TO BE REGULATED BY BY-LAW NO. 90 -		
North 	Scale NOT TO SCALE	Reference File No. ZA 69-88
	Date JAN. 3, 1990	Drawn By Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 780 UPPER PARADISE ROAD

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-37B of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District,

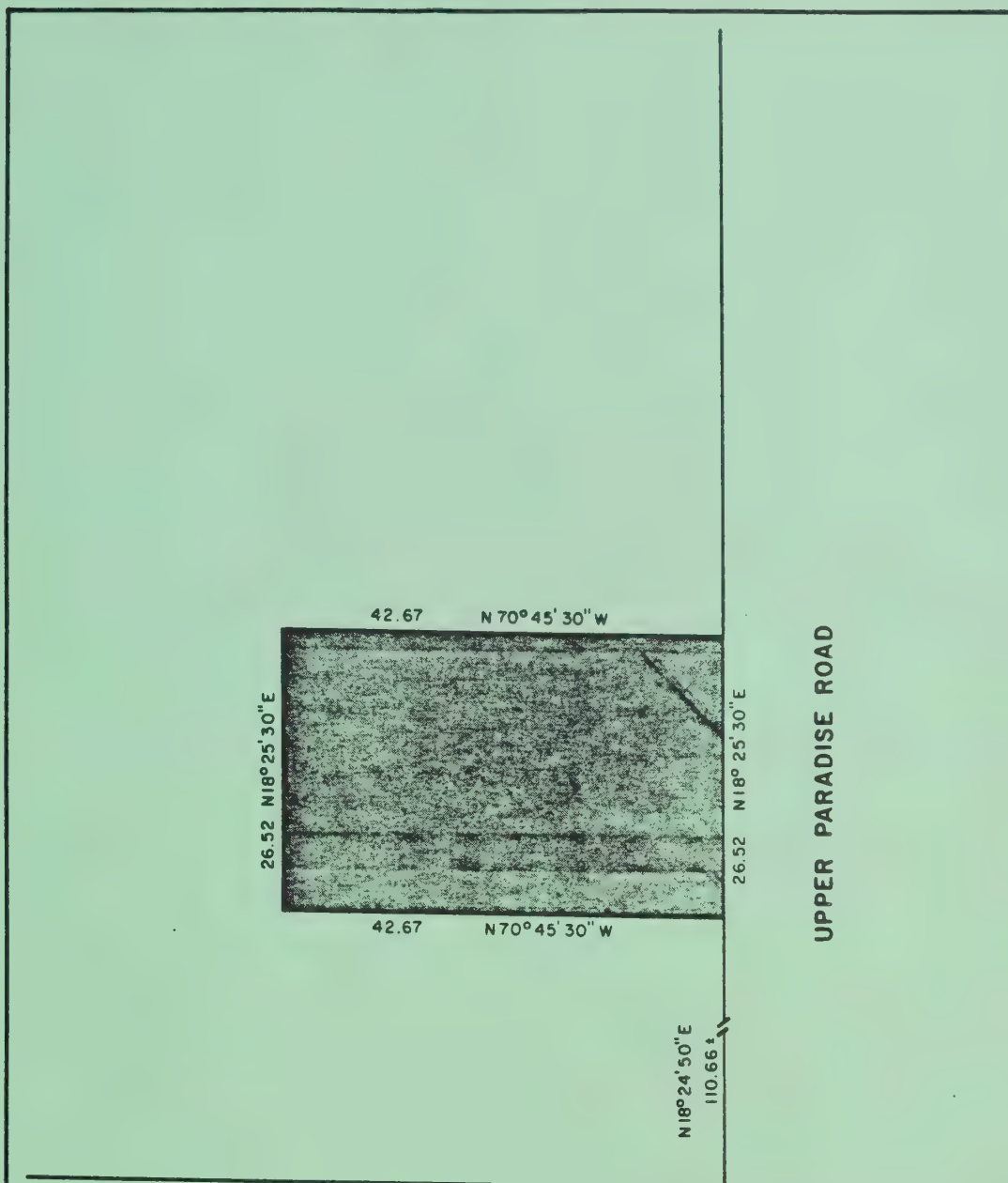
the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor



NOVOCO DRIVE

UPPER PARADISE ROAD

NOTE: ALL DIMENSIONS
ARE IN METRES



THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND		
 CHANGE IN ZONING FROM "AA" (AGRI - CULTURAL) DISTRICT TO "DE" (LOW DENSITY MULTIPLE DWELLINGS) DISTRICT.		
North 	Scale NOT TO SCALE	Reference File No. ZA 89 - 86
	Date JAN. 10, 1990	Drawn By Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE REAR OF MUNICIPAL NO. 323 RYMAL ROAD EAST

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-18D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

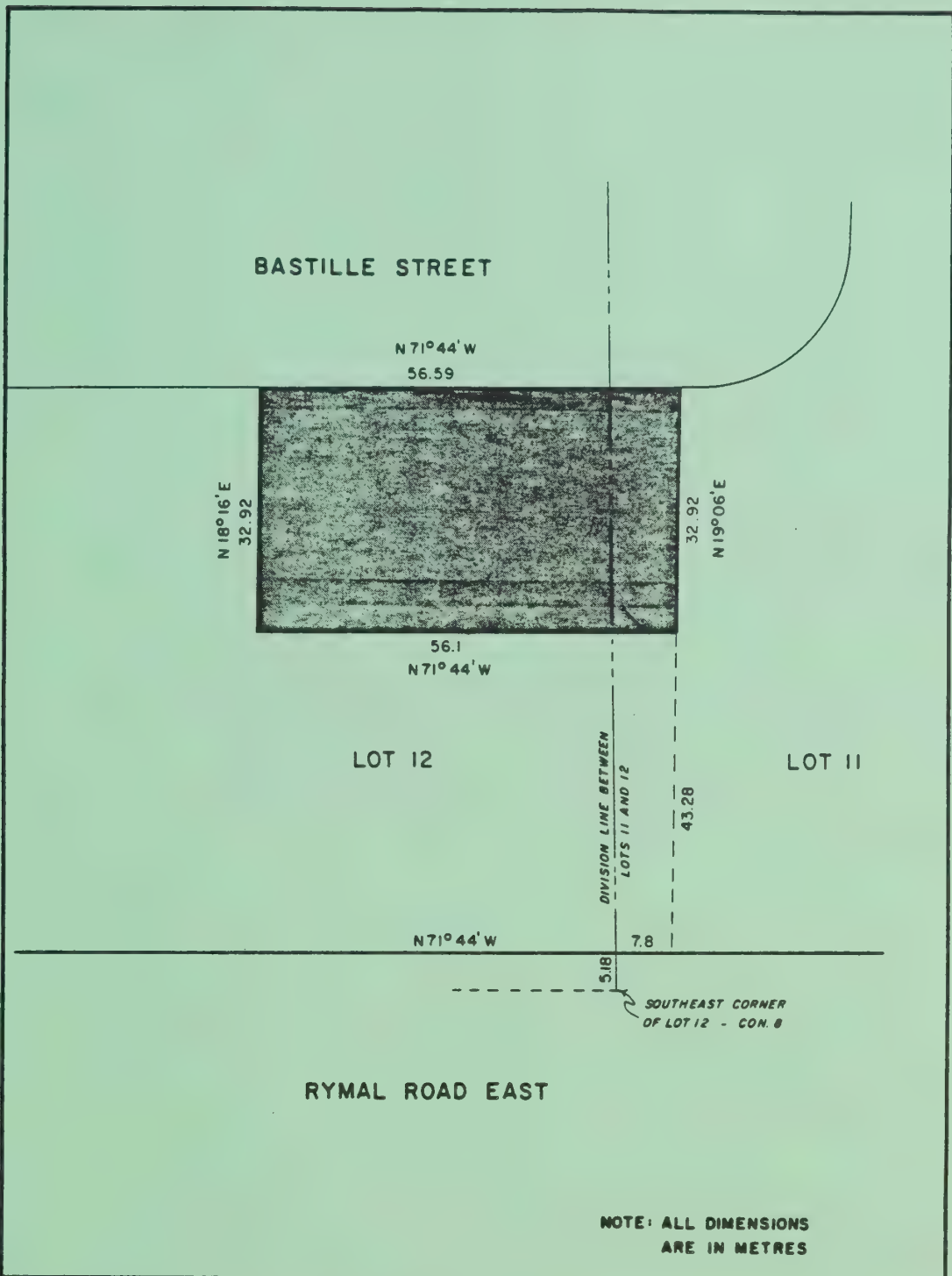
the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor



THIS IS SCHEDULE "A" TO BY-LAW NO. 90-_____
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON



SCHEDULE "A"

MAP FORMING PART OF

BY-LAW NO. 90-

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND		
 CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.		
North 	Scale NOT TO SCALE	Reference File No. ZA 89-106
	Date JAN. 11, 1990	Drawn By Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 302 STONE CHURCH ROAD WEST

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-17C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor

LOT 18
LOT 17

DIVISION LINE BETWEEN LOTS 17 AND 18

STONE CHURCH ROAD WEST

NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-_____
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF

BY-LAW NO. 90-

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND

CHANGE IN ZONING FROM "AA" (AGRI-CULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.

North	Scale	Reference File No.
	NOT TO SCALE	ZA 89-92
	Date	Drawn By
	JAN. 4, 1990	Z. K.

C440NH02A05
A31

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

**Tuesday, 1990 February 13
7:30 o'clock p.m.
Council Chambers, City Hall**

A G E N D A

1. Opening Prayer

Father Philip Sherlock
St. Margaret Mary Roman Catholic Church
20 Idlewood Avenue

2. Presentation

CHCH TV - Community Pride Campaign

3. Declaration of Office

Mr. George C. Baker
Fire Chief

Mr. Joseph J. Schatz
Deputy City Clerk

4. Minutes

1990 January 30

5. Petition and Correspondence

6. Reports of the Standing Committees

- (a) Finance and Administration Committee
- (b) Transport and Environment Committee
- (c) Parks and Recreation Committee
- (d) Planning and Development Committee
- (e) Licencing Committee

7. Notice of Motion from Previous Meeting

Alderman D. Agostino

8. Notices of Motion for Next Meeting

9. First Reading of the Bills

10. Second Reading of the Bills - Committee of the Whole

11. Third Reading of the Bills

12. Question Period

13. Adjournment

M I N U T E S

MEETING OF HAMILTON CITY COUNCIL
TUESDAY, JANUARY 30, 1990
7:30 O'CLOCK, P.M.

The Council met.

PRESENT: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray.

His Worship Mayor Robert M. Morrow called the meeting to order.

The Reverend John F. Nunns, Transfiguration Lutheran Church, led the Council in payer.

Mr. K. E. Avery, City Clerk, subscribed to the Declaration for the Appointed Office of City Clerk.

His Worship Mayor R. Morrow read the following proclamations:

- a) Winterfest '90 Proclamation
"Fit Trek Week"
February 3 - 11, 1990
- b) "White Cane Week"
February 4 - 10, 1990
- c) "Jaycee Week"
January 22 - 28, 1990

The following presentations were made to City Council:

- a) A wall hanging presented by the Hamilton-Wentworth Embroiderers' Guild
- b) Canada Safety Council "Safe Driving Week Award"
- c) Presentation by Mayor Morrow to Worldways Canada Inc., Southbound Tours, Hamilton.

The minutes of the meeting of December 12, 1989 and the special meeting of December 19, 1989, were taken as read and approved.

The following communications were received and forwarded to the appropriate Committee.

1. Application from Ferrell Builders Supply Ltd., 1549 Rymal Road, P.O. Box 176, R.R. #1 Hannon, Ontario, for a modification to the zoning, property located at 1519 Rymal Road, dated December 14, 1989.
2. Application from Derrick Lea Palmer and Carol Yvonne Palmer, 767 Mohawk Road East, Hamilton, Ontario, for a modification to the zoning, property located at 767 Mohawk Road East, dated December 21, 1989.
3. Application from Angelo Cameracci, 158 Hester Street, Hamilton, Ontario, for a change in zoning, rear portions of 564, 570, 576, 580, 590 and 596 Stone Church Road East, including Holland Avenue, dated December 21, 1989.
4. Application from J. Beume Real Estate Ltd., 100 Adelaide Street West, Toronto, Ontario, for a change in zoning, property located on the north-west corner of James Street North and Vine Street, dated December 21, 1989.
5. Application from Hamilton General Homes (1971) Ltd., 500 Seaman Street, Stoney Creek, Ontario, for a further modification to the zoning, property located at 25 Redmond Drive and 549 Stone Church Road East, dated January 2, 1990.
6. Application from Fiore Manganiello, 93 Country Club Drive, Hamilton, Ontario, for a change in zoning, properties located at 87 to 95 Wellington Street, dated January 4, 1990.
7. Application from Marvin Wasserman, Bernard Wasserman, Estate of Solomon Wasserman, 224 King Street East, Hamilton, Ontario, for a change in zoning, property located north of Sirente Drive, east of Upper Wellington Street, dated January 4, 1990.
8. Application from Juan Puig, 527 Upper Paradise Road, Hamilton, Ontario, for a modification to the zoning, properties located at 70 and 80 Lancing Drive, dated January 4, 1990.
9. Application from Marvin Wasserman, Bernard Wasserman, Estate of Solomon Wasserman, 224 King Street East, Hamilton, Ontario, for a change in zoning, property located south of Sirente Drive, east of Upper Wellington Street, dated January 4, 1990.
10. Application from 815488 Ontario Inc., c/o Nella Bradt, 15 Ashley Street, Hamilton, Ontario, for a change in zoning, properties located 1489-1495 Upper Gage Avenue, dated January 4, 1990.
11. Application from Ashok Kumar, 91 Christie Street, Hamilton, Ontario, for a modification to the zoning, property located at 41 Rymal Road West, Dated January 10, 1990.

12. Application from Beckville Holdings Limited, P.O. Box 338, Station "T", Toronto, Ontario, for a change in zoning, property located in the block bounded by Main Street West, Caroline Street South, George Street and Hess Street South, dated January 5, 1990.
13. Application from Serge Gelly, 27 Avonbridge Court, Hamilton, Ontario, for a modification to the zoning, property located at 1039 Main Street East, dated January 9, 1990.
14. Application from Agomen Group 1 Ltd., 285 King Street East, Hamilton, Ontario, for a modification to the zoning, property located at 260-280 King Street East, dated January 9, 1990.
15. Application from 603976 Ontario Ltd., c/o Terra Homes, P.O. Box 192, Hannon, Ontario, for a change in zoning, property located at 1448-1500 (inclusive) Upper Sherman Avenue, dated January 9, 1990.
16. Application from Greg McMillan, 91 Homewood Avenue, Hamilton, Ontario, and Bob Frame, 187 Golf Links Road, Ancaster, Ontario, for a modification to the zoning, property located at 610-612 King Street East, dated January 10, 1990.
17. Application from Vladimir Baotic, 261 Queenston Road, Hamilton, Ontario, for a modification to the zoning, property located at 314-318 Queenston Road, dated January 10, 1990.
18. Application from 88000640 Ontario Inc., c/o Mr. Tony DiSilvestro, 158 Hester Street, Hamilton, Ontario, for a change in zoning, property located at 480 Rymal Road West, dated January 10, 1990.
19. Application from Walter Vucetich, 152 Kimberly Drive, Hamilton, Ontario for a change in zoning, property located at 79 Rymal Road West, dated January 15, 1990.
20. Application from Alena Miller, 1574 Upper Gage Avenue, Hamilton, Ontario, for a change in zoning, property located at 1574 Upper Gage Avenue, dated January 19, 1990.
21. Application from 687469 Ontario Inc. (Roy Yates & Terry Yates), 78 Queenston Road, Hamilton, Ontario, for a change in zoning, properties located at 1451, 1469, 1459 and 1465 Upper James Street, dated January 24, 1990.
22. Application from 687469 Ontario Inc., 78 Queenston Road, Hamilton, Ontario for a change in zoning, properties located at 1451, 1469, 1465 and 1459 Upper James Street, dated January 25, 1990.
23. Letter from Mr. K. E. Avery, City Clerk, advising objection received to By-law Number 89-310, dated January 12, 1990.
24. Letter from Mr. K. E. Avery, City Clerk, advising objection received to By-law Number 89-322, dated January 16, 1990.

25. Letter from Mr. K. E. Avery, City Clerk, advising objection received to By-law Number 89-336, dated January 16, 1990.
26. Letter of appreciation from the Jewish Federation, Hamilton-Wentworth and Area, re: religious customs of Canadian citizens, dated January 16, 1990. (received)
27. Letter from The Ontario Cancer Treatment and Research Foundation, Hamilton Regional Cancer Centre, re: problem of indoor air pollution, dated December 19, 1989. (Referred to Finance & Administration Comm.)
28. Letter from Mr. L. E. Leonoff, Ontario Hydro, 700 University Avenue, Toronto, Ontario, outlining new policy respecting appointment of Commissioners by Ontario Hydro to Municipal Hydro Commissions, dated January 30, 1990. (Referred to Finance & Administration Comm.)

It was moved by Alderman Cooke, seconded by Alderman Kiss and carried, that Council move into Committee of the Whole to consider the following Reports with Alderman Lombardo in the chair.

YEAS: Mayor Morrow, Aldermen Cooké, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray. -17.

NAYS: 0 CARRIED

A) FINANCE AND ADMINISTRATION - FIRST REPORT

It was moved by Alderman Christopherson and seconded by Alderman Gallagher and resolved that Section 8 of the First Report of the Finance and Administration Committee be amended by adding subsection e)

- e) That the Terms of Reference staff be directed to begin developing for a Comprehensive Audit of the Licencing Division of the City Clerk's Department tendering will take place following budget approval of the funding. CARRIED

Section 11

Alderman Copps declared personal interest in and took no part in the debate, and refrained from voting on Section 11 as she sits on the Board as a non-city appointee.

It was moved by Alderman Hinkley and seconded by Alderman Agostino and carried

RESOLVED:

"That Section 14 of the FIRST Report of the Finance and Administration Committee be amended by adding the following positions which were approved by the Finance and Administration Committee 1990 January 4 and inadvertently omitted from the Report:

<u>POSITION TITLE</u>	<u>FUNCTION</u>	<u>GRADE</u>	<u>SALARY RANGE</u>
Manager, Support Services	Supervise the provision of technical assistance support and training to ensure the productivity advantages of computer technology.	H	\$49,664.68 - \$58,536.92
Manager, Operations	Manage the multi-shift, seven day a week operation of large multi-vendor Data Processing Systems.	H	\$49,664.68 - \$58,536.92
Assistant Manager, Operations	Supervise the mainframe data processing facility.	J	\$45,747.00 - \$53,928.16
Supervisor, Console Operations	Supervise the console activities within the Operations section."	M	\$34,569.60 - \$40,677.00 CARRIED

It was moved by Alderman Christopherson and seconded by Alderman Cooke

RESOLVED: That Section 16 of the First Report of the Finance and Administration Committee be referred to the City's 1990 Budget Process for consideration.

Recorded Vote on Section 16:

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Copps, Christopherson, Lombardo, Smith, Merling, Murray (11)

NAYS: Aldermen Hinkley, Drury, Agostino, Jackson, Gallagher, Ross. (6)
CARRIED

Recorded Vote on Section 20: (Re: Civic Awards to Members of the Hamilton Sportsworld Spartans Touch Football Team)

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray. -16.

NAYS: Alderman Copps. 1 - CARRIED

A) FINANCE AND ADMINISTRATION COMMITTEE - SECOND REPORT

Recorded Vote on Section 8: (Re: Time table for the 1990 Current Budget Review Process)

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross. -16.

NAYS: Alderman Murray. 1 - CARRIED

Recorded Vote on Section 19: (Re: Canadian Football Hall of Fame and Museum sign on Main Street West)

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Agostino, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray. -15.

NAYS: Aldermen Drury, Copps. 2 - CARRIED

Alderman Smith declared personal interest in and took no part in the debate, and refrained from voting on Section 22 as he resides on one of the streets referred to in this recommendation.

Recorded Vote on Section 22: (Re: 1990 Road and Sidewalk Capital Reconstruction Program)

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Jackson, Merling, Gallagher, Ross, Murray. - 15.

NAYS: Alderman Agro. 1 - CARRIED

It was moved by Alderman Kiss, seconded by Alderman Agro

Resolved: That Sub-section (b) of Section 24 be amended by deleting the words "as observers" in the last line.

Alderman Drury declared personal interest in and took no part in the debate, and refrained from voting on Section 38 as he is a member of the Hamilton Sertoma Inc.

It was moved by Alderman Agro and seconded by Alderman Agostino

Resolved: Section 40 of the Second Report of the Finance and Administration Committee be amended by adding the following:

- (b) That the Hamilton-Wentworth Regional Police Commission provide an explanation to clarify the last sentence of the second paragraph on page four of the Report of the Regional Police Department in response to the Report of the Task Force on Race Relations and Policing

"The visible minorities must be educated and change their beliefs, attitudes and behaviour towards the police to complement police reforms"

and further that the word "Regional" in the second line of the first paragraph be deleted and the word "City" substituted in lieu thereof."

A) FINANCE AND ADMINISTRATION COMMITTEE - THIRD REPORT

City Council at 9:50 o'clock p.m. convened in-camera in Room 233 to discuss the recommendation of appointment of City Solicitor as contained in section 2.

At 10:45 o'clock p.m., City Council reconvened in public session in the Council Chambers.

It was moved by Alderman Hinkley and seconded by Alderman Gallagher

Resolved: That section 2 of the Third Report of the Finance and Administration Committee be amended by deleting the figure "5" before the word years and inserting in place thereof the figure "3". CARRIED

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Agostino, Copps, Christopherson, Lombardo, Smith, Jackson, Gallagher, Murray. -15.

NAYS: Aldermen Merling, Ross. - 2 CARRIED

Recorded vote on Section 2 as amended. (Re: Appointment of City Solicitor)

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Agostino, Copps, Christopherson, Lombardo, Smith, Jackson, Gallagher, Murray. - 15.

NAYS: Aldermen Merling, Ross. - 2 CARRIED

It was moved by Alderman Agostino and seconded by Alderman Kiss:

Resolved: That Rule No. 8 of the Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the National Congress of Italian Canadians' request of Federal Government for an apology to the Italian Canadian community for injustices which occurred during the 1940's. CARRIED

It was moved by Alderman Agostino and seconded by Alderman Kiss

Resolved:

"WHEREAS the City of Hamilton is the home to more than 60 000 Canadians of Italian background, and

WHEREAS Canadians of Italian heritage have contributed significantly to creating the rich multicultural nature of the City of Hamilton and Canada, and

WHEREAS over 700 Italian Canadians were interned and denied their civil and citizenship rights during the Second World War, and

WHEREAS 70 residents of the City of Hamilton of Italian Canadian background were interned and denied their civil and citizenship rights during the Second World War, and

WHEREAS no person was ever charged or convicted of any seditious, treasonable or anti-Canadian Law, and

WHEREAS the National Congress of Italian Canadians has asked that the Federal Government give the same verbal redress - apology to the Italian Canadian community as it gave the Japanese Canadian community, and

WHEREAS an official apology to Italian Canadians by the Federal Government would contribute to "healing the wounds" and would further enhance the cause of multicultural harmony and respect;

NOW THEREFORE BE IT RESOLVED THAT:

Hamilton City Council support the National Congress of Italian Canadians' request of Federal Government for an apology to the National Italian community for the injustices which took place during the 1940's.

That this resolution be forwarded to the Federation of Canadian Municipalities for their consideration and support at the Annual Meeting in Quebec City in June, 1990." CARRIED

B) TRANSPORT AND ENVIRONMENT COMMITTEE - FIRST REPORT

Section 20 The recommendation of the Finance and Administration Committee on section 20 was carried (Re: Estimated cost of services in Aquino Gardens - Phase I, and Templemead No. 2 Survey - Phase 8)

C) PARKS AND RECREATION COMMITTEE - FIRST REPORT

D) PLANNING AND DEVELOPMENT COMMITTEE - FIRST REPORT

D) PLANNING AND DEVELOPMENT COMMITTEE - SECOND REPORT

E) PLANNING AND DEVELOPMENT COMMITTEE - THIRD REPORT

It was moved by Alderman Smith and seconded by Alderman Merling

Resolved: That Section 12 of the Third Report for 1990 of the Planning and Development Committee be amended by deleting the word "approved" in the second line, and inserting the following in lieu thereof "forwarded to the Regional Engineering Services Committee for consideration."

YEAS: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Drury, Agostino, Copps, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher, Murray. -14.

NAYS: Alderman Murray. 1 - CARRIED

Recorded vote on Section 12 as amended: (Re: Proposed reconstruction of James Mountain Road)

YEAS: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Drury, Agostino, Copps, Christopherson, Lombardo, Smith, Jackson, Merling, Gallagher, Murray. -14.

NAYS: Alderman Murray. 1 - CARRIED

Recorded vote on section 14: (Re: Zoning Application 89-54; 1527 Upper Ottawa Street)

YEAS: Mayor Morrow, Aldermen Kiss, McCulloch, Hinkley, Drury, Agostino, Copps, Christopherson, Lombardo, Smith, Merling, Gallagher, Murray. -13.

NAYS: Alderman Jackson . 1 - CARRIED

Recorded Vote on Section 16: (Re: Zoning Application 89-66 - 1575 Upper Ottawa Street)

YEAS: Aldermen Cooke, McCulloch, Hinkley, Drury, Christopherson, Lombardo,- 6.

NAYS: Mayor Morrow, Aldermen Kiss, Copps, Agostino, Smith, Jackson, Gallagher. 7 - LOST

During the debate, Alderman T. Jackson filed with the Clerk, a petition from residents opposing this Application.

E) INFORMATION SYSTEMS COMMITTEE - 10TH REPORT FOR 1989

It was moved by Alderman Hinkley and seconded by Alderman Merling

Resolved: That Rule No. 8 of the City of Hamilton Procedural By-law be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the appointment of the Chairman of the Hamilton Harbour Commission. CARRIED

It was moved by Alderman Hinkley and seconded by Alderman Merling

Resolved:

Whereas the Hamilton Harbour is managed by a three member appointed Board of Commissioners,

And whereas the Hamilton Harbour Commissioners derive their authority from an Act of Parliament drafted and approved by Hamilton City Council,

And whereas the Hamilton Harbour Commissioners have an obligatory reporting responsibility to the citizens of Hamilton through City Council,

And whereas the citizens of Hamilton through their elected Federal and Municipal representatives expect Hamilton Boards, Commissions and Councils to be composed of Hamiltonians, responsible to Hamiltonians.

Therefore the Council of the Corporation of the City of Hamilton call upon the Prime Minister of Canada to immediately intervene and use his authority to rescind the appointment of a non-Hamiltonian as Chairman of the Hamilton Harbour Commission.

And finally that the Council of the Corporation of the City of Hamilton call upon the elected Members of Parliament representing Hamilton to support our request and urge the Prime Minister of Canada to intervene.

Recorded Vote on Motion

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. -16.

NAYS: 0. - CARRIED

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Alderman J. Smith be appointed Acting Mayor for the month of February, 1990. CARRIED

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Gallagher, Murray. -13.

NAYS: 0 - CARRIED

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: that the following Bills be now read a first time:

A-1, A-2, A-3, A-4, A-5
B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10, B-11
C-1,
D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, D-9, D-10, D-11, D-12,
D-13, D-14, D-15, D-16, D-17, D-18, D-19.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Murray. -13.

NAYS: 0. CARRIED

It was moved by Alderman Cooke and seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Lombardo in the chair.

A-1, A-2, A-3, A-4, A-5
B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10, B-11
C-1,
D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, D-9, D-10, D-11, D-12,
D-13, D-14, D-15, D-16, D-17, D-18, D-19.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Murray. -13.

NAYS: 0. CARRIED

Consideration of the Bills (second reading)

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills, be adopted.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Murray. -13.

NAYS: 0. CARRIED

It was moved by Alderman Cooke and seconded by Alderman Kiss

RESOLVED: that the following Bills be now read a third time

A-1, A-2, A-3, A-4, A-5

B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10, B-11

C-1,

D-1, D-2, D-3, D-4, D-5, D-6, D-7, D-8, D-9, D-10, D-11, D-12, D-13, D-14, D-15, D-16, D-17, D-18, D-19.

YEAS: Mayor Morrow, Aldermen Cooke, Kiss, Agro, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Murray. -13.

NAYS: 0. CARRIED

City Council adjourned at 11:15 o'clock, p.m.

C O R R E S P O N D E N C E

CORRESPONDENCE

1. Mayor J. Addison, Town of Dundas
- Regionalizing of Fire Services RECEIVED
2. Six (6) applications for changes in zoning
REFER TO THE PLANNING AND DEVELOPMENT COMMITTEE

cc. ✓ Mr. Keith Avery) from Mayor Bob Morrow, Feb. 9, 1990
Council Members)

RECEIVED

FEB 9 1990

FEB 9

11:01 AM



CITY CLERKS
CORPORATION OF THE TOWN OF DUNDAS

OFFICE OF
THE MAYOR
JOHN ADDISON

TOWN HALL, P.O. BOX 8584, DUNDAS, ONTARIO L9H 5E7

February 2, 1990.

The City of Hamilton,
71 Main Street West,
Hamilton, Ontario.
L8N 3T4

Attention: Mayor R. M. Morrow

Re: Regionalizing Fire Services

Dear Mayor Morrow:

Thank you for your letter dated December 4, 1989
regarding the above noted matter.

The General Government Committee at its meeting on
December 27, 1989 discussed your letter and recommended that it be
received and filed.

This recommendation was approved by Council at its
meeting on January 3, 1990.

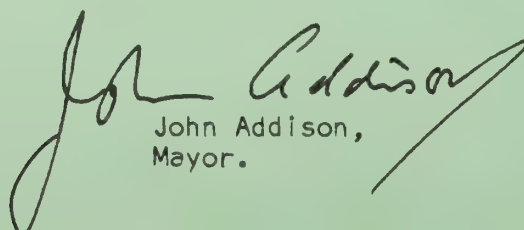
By way of explanation, Committee members felt that the
Town of Dundas is extremely well served by the Dundas Fire Department
and therefore the Town does not contemplate any unification or
integration of fire services in the Region.

I trust this information clarifies the Town's position.

If you have any questions, please do not hesitate to
call.

Yours very truly,

JS:ss


John Addison,
Mayor.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its FOURTH Report for 1990 and respectfully recommends:

1. (a) That a purchase order be issued to Pigott Construction Limited, Hamilton, in the amount of \$99 000 to provide all labour and materials to repair the Pedestrian Bridge, King Street West, Hamilton, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.
- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest of four (4) tenders received. Funds provided from the Reserve of Uninsured Losses, pending reimbursements from the insurance companies.

2. (a) That approval be given to the allocation of funds, in accordance with the policy as approved by City Council, and amended July 18, 1989, for the purchase and installation of playlot equipment for the following project:

McQueston Community and Neighbourhood Park	\$5 500
--	---------

- (b) That the purchase and installation of metal playlot equipment in the gross amount of \$5 500 for McQueston Community and Neighbourhood Park, be financed from the Reserve for Acquisition of Properties under the Planning Act (5% Parks Fund).
3. That permission be granted to the Canadian Polish Congress, Hamilton District, to fly their national flag and to use the City Hall Council Chambers for a proclamation ceremony on Saturday, 1990 May 5 from 10:00 o'clock a.m. to approximately 1:00 o'clock p.m.
 4. That approval be given to the action taken by the Finance and Administration Committee in approving the request of the Lithuanian Canadian Community for permission to fly the Lithuanian flag at City Hall from 1990 February 11 to February 16 in commemoration of the Independence of Lithuania.

5. That the request of the Canadian Red Cross Society for permission to fly the Canadian Red Cross Society flag at City Hall during the month of March, 1990 in recognition of Red Cross Month, be approved.
6. That the Appointments To and Terminations from Permanent positions with the Corporation to January 30, 1990, attached hereto and marked Appendix "A", be approved.
7. That the Summary Report attached hereto as Appendix "B" containing a listing and amounts of approved Settlement of Claims, be received.
8. That a policy be adopted to prohibit the holding of rodeos and wild west shows in all City-owned lands and facilities including but not limited to Copps Coliseum, Mountain Arena and the Convention Centre.
9. (a) That the City enter into a five (5) year lease agreement with the Regional Municipality of Hamilton-Wentworth for the use of Regional lands known as 77/79 Mary Street for civic parking purposes, to be managed by the Parking Authority of the City of Hamilton. A nominal rental fee of \$1.00 plus taxes per year (\$6 055 for 1989) is to be charged to Account No. PA 53205 91372.

The lease is to be renewed at the end of the five (5) year period providing the lands are not required for Regional purposes.

(b) That the Mayor and City Clerk be authorized to execute a lease agreement satisfactory to the City Solicitor.

NOTE: The lease will include provisions for Mr. George Novotny, the owner of 75 Mary Street, to have access for his tenants at the rear of his property over the driveway portion of the parking lot being leased herein.

In adopting Item 23 of the 18th Report of the Engineering Services Committee, Regional Council on November 21, 1989 approved the leasing of their property at 77/79 Mary Street to the City of Hamilton to be used for civic parking purposes and managed by the Parking Authority of the City of Hamilton.

The lot will be used for permit and transient parking in conjunction with the existing civic parking lot immediately to the north on the south west corner of Wilson and Mary Streets.

10. (a) That the City of Hamilton purchase a 1/4 page ad in the special issue of the Hamilton & District Stroke Recovery Association's "Facts and Information Book All About Stroke & Recovery" at a cost of \$255.
- (b) That the cost of this advertisement be financed from Account No. Ch 56302 12000, Advertising City Clerk.
11. (a) That an amount of \$5 650 be made available to assist in defraying the costs associated with the co-hosting of the 1990 Ontario Business Improvement Area Association Conference to be held in Hamilton 1990 April 29 to May 3.
- (b) That this expenditure be funded from the Hosting of Conferences with Municipal Subject Content, Account No. CH 55307 80040.

NOTE: On 1988 March 8 City Council authorized the Director of Community Development to extend an invitation to the Organizers of the 1989 National O.B.I.A.A. Convention to hold a future Conference in Hamilton. On 1989 February 22 the Department of Community Development was advised that Hamilton had been approved to host the 1990 O.B.I.A.A. Conference.

As part of the duties of a hosting, the City will be responsible for entertaining the delegates. The Department of Community Development has prepared a program, the total cost of which is \$9 750, with a net cost to the City of \$5 650.

12. That the following resolution from the Town of Milton regarding the position of the Canadian Bar Association, Ontario Branch, attached hereto as Appendix "C", with respect to the proposed Ontario Motorist Protection Plan (no fault), be endorsed.

THAT the Town of Milton endorses the position of the Canadian Bar Association, Ontario Branch, with respect to the proposed Ontario Motorist Protection Plan;

AND THAT a copy of the summary of their brief and this resolution be circulated to all Ontario municipalities with population of over 25,000, requesting their endorsement and notification to the Town of Milton and the Association of Municipalities of Ontario;

AND FURTHER THAT a copy of this Resolution be forwarded to Mr. Ian Kirby and the local Members of Parliament.

13. That the following resolution from the City of York on the subject of Unconditional Grants be endorsed.

WHEREAS a statement to the Legislature by the Honourable John Sweeney, Minister of Municipal Affairs on 1990 Unconditional Grants did not guarantee an increase to each municipality; and

WHEREAS every municipality has been subject to severe inflationary pressures in the past few years and which is expected to continue in the foreseeable future; and

WHEREAS a zero increase in the Unconditional Grant has resulted in the full cost of inflationary pressure on services having to be passed on to the taxpayer in the form of increased taxes; and

WHEREAS some of the new costs being incurred by municipalities are a direct result of Provincial policies; and

WHEREAS those municipalities with a lower than average assessment (eligible for a R.E.G. grant) usually have a considerable number of ratepayers with lower than average incomes who can least afford tax increases;

THEREFORE BE IT RESOLVED THAT the Minister of Municipal Affairs reconsider his proposal for the distribution of the 1990 Unconditional Grant so that all municipalities will become eligible for an increase to assist in off-setting increased taxes to their taxpayers as a result of inflation:

AND FURTHER, that this resolution be forwarded to Ontario Municipalities with populations of 25,000 and over for endorsement.

14. (a) That the Province of Ontario be requested to provide a Revenue Guarantee for the City of Hamilton Unconditional Grants equivalent to the 1989 Grants, plus the cost of Provincially-mandated programs where the City has no option but to provide these programs.
- (b) That this Revenue Guarantee continue until such time as the City again earns grants under the applicable formula, and be indexed annually, by an amount equivalent to 50% of the relevant inflation index for each year.
15. That City Council reaffirm its commitment to respecting minority language rights in our community.

16. For the information of the Members of City Council, the Finance and Administration Committee at its meeting held 1990 February 8 approved that in order to conform with the new committee structure which involved the consolidation of four committees into the Finance and Administration Committee, and for the purpose of maintaining consistency and continuity, the following sub-committees and their memberships whose duties and responsibilities have been assumed by the Finance and Administration Committee continue to function for the remainder of this term of City Council:

Taxi Advisory Committee
Hamilton Farmer's Market Sub-Committee
Status of Women Sub-Committee
French Sub-Committee
Handbill Sub-Committee
Civic Awards Sub-Committee
Comprehensive Audit Sub-Committee
Ad Hoc Committee on Downtown Parking
A.M.O. Bid Committee

17. Members of City Council are advised that the Finance and Administration Committee at its meeting held 1990 February 8 approved of the following appointments to the Hamilton Municipal Retirement Fund (HMRF) Sub-Committee:

Alderman B. Hinkley
Alderman D. Ross
Mayor R. M. Morrow
Alderman T. Jackson

Mr. Keith Avery, City Clerk, has been appointed to fill the vacancy on the retirement of the former City Clerk, Mr. E. A. Simpson.

18. That leave be granted to introduce the following Bill:

(a) Bill A-6 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson
Secretary
1990 February 8
/bc

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Ellen Arcas	Taxation Clerk IV (E-4)	Treasury	Replacing Ms. K. Grywachesk - transferred	\$22,891.44 to \$24,534.64	\$22,891.44 per annum (1 of 3)	11/12/89
Mr. Raymond Baglione	Caretaker (B-2)	Property	Replacing Mr. J. Allison - deceased	\$22,129.64 to \$23,871.64	\$23,871.64 per annum (2 of 2)	25/10/89
Mr. Douglas J. Farquhar	Manager of Administration (H)	Public Works	New Position Approved by City Council 23/03/89	\$51,899.64 to \$61,171.24	\$56,763.12 per annum (4 of 5)	22/01/90
Mr. Bill G. Ferguson	Traffic Technologist (A-14)	Traffic	Additional Staff as approved in 1989 Budget	\$33,390.24 to \$39,761.28	\$39,761.28 per annum (5 of 5)	29/12/89
Mr. Jack Holmes	Caretaker (B-2)	Property	Replacing Mr. J. Deeley - promoted	\$22,129.64 to \$23,871.64	\$23,871.64 per annum (2 of 2)	01/11/88
Mr. Gil Mazzetti	Systems Analyst (A-18)	Information Systems	Replacing Mr. F. Edwards - promoted	\$45,888.96 to \$54,860.84	\$49,687.56 per annum (3 of 5)	15/12/89
Ms. Linda J. Cooper	Accounts Receivable/ Payable Clerk (A-8)	Information Systems	Replacing Ms. J. Adamson - resigned	\$27,142.96 to \$32,976.84	\$27,142.96 per annum (1 of 5)	22/01/90
Mr. Walter Chamberlain	Caretaker (B-2)	Property	Replacing Mr. J.W. O'Toole - deceased	\$22,129.64 to \$23,871.64	\$22,129.64 per annum (1 of 2)	04/11/89

Prepared 30/01/90

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Ms. Christine Hey	Counter Clerk (A-3)	Building	Replacing Ms. N. Gould - promoted	\$21,739.64 to \$24,896.36	\$21,739.64 per annum (1 of 4)	15/01/90
Ms. Joan M. Kelp	Typist Clerk II (E-2)	Treasury	Replacing Ms. J. Nevin - resigned	\$18,718.44 to \$20,165.60	\$18,718.44 per annum (1 of 3)	15/01/90
Mr. Colin D. Kerr	Budget Analyst (L)	Treasury	Additional Staff as approved in 1989 Budget	\$38,653.68 to \$45,517.16	\$38,653.68 per annum (1 of 5)	29/01/90
Mr. James R. McCallum	Platoon Chief (C-12)	Fire	Replacing Mr. L. E. Stevens - retired	\$60,767.08	\$60,767.08 per annum (1 of 1)	14/01/90
Mr. Joseph J. Schatz	Deputy Clerk (F)	City Clerk's	Replacing Mr. K. Avery - promoted	\$59,987.44 to \$70,564.00	\$65,024.44 per annum (3 of 5)	01/01/90
Ms. Audrey M. Senkus	Legal Assistant (O)	City Solicitor's	New Position approved by City Council 29/06/89	\$30,224.48 to \$35,522.76	\$34,077.68 per annum (4 of 5)	18/12/89
Mr. Mahendra N. Shah	Project Manager (K)	Property	Replacing Mr. S. DeJong - deceased	\$42,145.48 to \$49,011.12	\$47,685.04 per annum (4 of 5)	28/12/89
Mr. John D. Thompson	Manager, Legislative Division (H)	City Clerk's	Replacing Mr. J.J. Schatz - promoted	\$51,899.64 to \$61,171.24	\$51,899.64 per annum (1 of 5)	01/01/90

Prepared 30/01/90

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Bruce C. Wilson	Caretaker (B-2)	Property	Replacing Mr. V. Cosentino - transferred	\$22,129.64 to \$23,871.64	\$23,871.64 per annum (2 of 2)	02/01/90

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Ms. J. Gaunt	Program Organizer	Culture & Recreation	Layoff	6 months	28/01/90
Mr. G. Bowring	Building Inspector	Building	Retired	26 years, 7 months	31/01/90
Ms. A. MacKay	Junior Accounts Payable Clerk	Treasury	Resigned	4 years, 2 months	29/01/90
Mr. R. Goodes	Pro Manager	Culture & Recreation	Resigned	25 years	31/12/89
Mr. R. C. Prowse	Legislative Assistant I	Clerk's	Resigned	16 years	15/12/89
Ms. L. Wilson	Supervisor of Payroll	Treasury	Resigned	5 years, 9 months	12/01/90

Prepared 30/01/90

FINANCE COMMITTEE

SUMMARY OF APPROVED SETTLEMENT OF CLAIMS

<u>PLAINTIFF</u>	<u>DEPENDANT</u>	<u>NATURE OF CLAIM</u>	<u>AMOUNT OF SETTLEMENT</u>
Tressilla Truby	City of Hamilton	Trip and Fall 1985 May 30	\$ 4 500.00
Anthony Christison	City of Hamilton	Motor Vehicle Accident 1987 June 26	\$ 7 400.00

SUMMARY OF ONTARIO MOTORIST PROTECTION PLAN

The purpose of the new Ontario Motorist Protection Plan is to change the resolution of claims for personal injury and property damage claims arising out of motor vehicle accidents in the Province of Ontario. The Plan is intended to become the law of the province as of March 1st, 1990.

Under the new Ontario Motorist Protection Plan, only those people who have been involved in a car accident and who have been fatally injured, seriously disfigured or sustain a "permanent, serious impairment of an important bodily function caused by continuing injury which is physical in nature" will still be able to claim for pain and suffering. The first two categories are self-evident. The third category ("permanent, serious impairment of an important bodily function ...") in essence means that in order to maintain the right to claim for pain and suffering and all income loss, the injuries sustained by the accident victim must be physical, rather than emotional, and at the same time, be both permanent and serious.

As only one example, an injury which is serious (e.g. a broken leg) but not permanent does not meet the test, and the accident victim has no right to claim for pain and suffering. The government's own figures indicate that the foregoing criteria will have the effect of eliminating the right to claim for any pain and suffering and for all of their legitimate loss of income for 90% - 95% of all accident victims.

For those accident victims who do meet the above test (the remaining 5% - 10%), they will still be able to sue for pain and suffering and all of their legitimate loss of income. Given the wording of the test, this right will be confined to surviving family members of fatally injured victims and accident victims who have sustained catastrophic injuries. To those accident victims who do meet the test, the existing rule relating to responsibility for an accident will still apply.

For those 90% - 95% of accident victims who sustain injury but who do not meet the criteria above, the only compensation they will receive is by way of income replacement. If an accident victim sustains an injury which substantially prevents that victim from doing his or her job, then during the period of disability only, the victim will receive the lesser of \$450.00 per week or 80% of their income. The individuals who sustain legitimate injuries but are able to carry on at work will receive nothing. It should be remembered that those innocent accident victims who sustain injuries and who have lost income in excess of \$450.00 per week will have no right to recover their excess actual loss. Individuals who have no income (e.g. homemakers and students) will receive \$185.00 per week, but only during the period when they are prevented from engaging in their normal activity. Perhaps one of the most heinous aspects of this proposed legislation is that children under the age of 16 who

do not meet the criteria of catastrophic injury, will receive nothing for their pain and suffering. To add insult to injury, parents who are obliged to remain off work to care for their injured children will receive nothing for any wages that they may have lost.

The Government of Ontario appears to have introduced its Ontario Motorist Protection Plan in response to political pressure about increasing automobile insurance rates. That is, of course, a concern which most people share. During the Summer of 1989, the government, through the Ontario Automobile Insurance Board, conducted hearings in order to examine various automobile insurance compensation schemes, including one system (i.e. that which exists in the State of Michigan) similar to the plan which it has now introduced. The purpose of the Board's enquiry was to determine whether there were other automobile insurance compensation schemes which would reduce the rate of automobile insurance premium increases which would otherwise be expected in this province with existing tort law. After examining the experience in those other jurisdictions, the Board itself came to the conclusion that there was no proof that price increases in automobile insurance were more moderate in those jurisdictions which had a threshold plan than in the traditional tort law states. Accordingly, the plan which the government proposed does nothing to solve the ever increasing spiral of the cost of automobile insurance.

Indeed, the government's own figures indicate that in the first year of its operation, automobile insurance rates are expected to increase by 8%. In subsequent years, rates are expected to climb as they now do. This is only the "up front" cost. In addition, as a result of agreements made with the automobile insurers, those insurers will now be relieved of the obligation of remitting approximately \$143,000,000.00 per year to the government. In addition, municipalities are presently able to bring claims to recover the cost of payments which have been made on their behalf by the Worker's Compensation Board arising out of motor vehicle accidents involving their employees. That right will now be lost.

The net effect of all of this is that tax and other government revenues approaching \$200,000,000.00 will now have to be obtained from other sources (e.g. income, sales and property taxes).

They are many criticisms which can be made of the proposed Ontario Motorist Protection Plan. However, perhaps the four most important criticisms are as follows:

1. The fundamental legal right of an innocent motor vehicle accident victim to obtain full compensation for his or her pain and suffering and loss of income is taken away.

II. In turn, the innocent accident victim will, in many cases, receive little or nothing under the government's proposed Schedule of Benefits.

III. It is accepted that the ever mounting cost of automobile insurance is a legitimate concern and that the amount of money which is paid for automobile insurance determines the amount that is available in payment of claims. Given the limited resources available for payment of claims, it is preferred that this money go into the hands of innocent accident victims, rather than those who caused the accident.

IV. There is no rational basis for introducing a new system of automobile accident compensation, which provides less protection to innocent accident victims, when all evidence points to the fact that the proposed plan will result in an immediate increase in the cost of insurance premiums and tax burden and no long term decrease in the cost of insurance.

Fortunately, we live in a democracy. If you agree that the government's proposed Ontario Motorist Protection Plan is ill conceived, you can express your concern by telephoning or writing your local MPP.

If you would like to receive more information about the Ontario Motorist Protection Plan, you can do so by contacting the Canadian Bar Association - Ontario at Suite 1000, 120 Adelaide Street West, Toronto, Ontario, M5H 1T1.

This summary prepared by the Insurance Committee for the Canadian Bar Association - Ontario.

*DM

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its **SECOND** Report for 1990 and respectfully recommends:

1. (a) That the City Solicitor be directed to prepare a By-law for the stopping up, closing and sale of the portions of two alleys in the block bounded by King William Street, King Street East, Walnut Street North and Ferguson Avenue North;
- (b) That the City Clerk be directed to publish a notice of City Council's intention to pass the By-law, pursuant to Section 301 of the Municipal Act, R.S.O. 1980;
- (c) That the Director of Property be directed to proceed with the disposition of the said lands to the abutting owners;
- (d) That the Regional Surveyor register a reference plan under the Registry Act, to delineate the manner in which the closed alley is to be distributed to the abutting owner;
- (e) That the Commissioner of Engineering be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 48 of the Regional Act; and
- (f) That the City Solicitor make application to the Ministry of Housing under Section 443 (8) of the Municipal Act for approval of the By-law.
2. That an Offer to Purchase executed by Francesco Loiero, Director of 672385 Ontario Inc., on December 8, 1989 and scheduled for closing on or before March 29, 1990 for the purchase of a one foot reserve along the easterly limit of Templemead Drive, be approved and completed.

NOTE: The subject property is a one foot strip of land along the easterly limit of Templemead Drive, shown as Parts 17-31 inclusive on Plan 62R-10632, containing a total area of 46.45 square metres (500.05 square feet). The purchase price of \$33 307 is to be credited to Account No. CH 4X501 00107 (Services through unsubdivided land). A certified deposit cheque in the amount of \$3 330 is being held by the City Treasurer pending approval of this transaction.

It is understood and agreed that this Offer to Purchase is conditional upon the Purchaser paying for all City and Regional costs and levies for services attributable to one-half of Templemead Drive abutting Parts 17-31, Plan 62R-10632.

The above condition to be satisfied on or before the closing date of March 29, 1990.

In the event the above conditions are not satisfied by the closing date, then this Offer to Purchase shall be null and void and the Purchaser's deposit shall be returned in full without interest or penalty.

3. (a) That the City's share of the cost of curbs, sidewalks and final roads for "Modified Subdivision Agreement - Courtland Avenue and Stone Church Road West" be increased by \$3 700 to \$83 152; and
- (b) That the Finance and Administration Committee be requested to recommend the source of funding for these additional costs.

NOTE: The additional funds are required for payment based on the successful contractor's unit prices.

4. That the City Solicitor be authorized and directed to prepare a By-law to incorporate certain City lands into various streets, as described in Schedule "A" appended hereto.
5. That the applications for Inadvertent Encroachment Agreements as outlined on Schedule "B", appended hereto, be approved during the pleasure of Council provided:
 - (a) That the owners enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement these agreements.
 - (c) That a first year fee and a subsequent annual fee as set out in Schedule "B" be charged for this privilege.

6. (a) That the existing school bus loading zone on the east side of Hummingbird Lane which commences at a point 542 feet south of Bobolink Road and extends to a point 80 feet southerly be extended such that the regulation commences at a point 502 feet south of Bobolink Road and extends to a point 120 feet southerly therefrom; and
(b) That City Traffic By-law 89-72 be amended accordingly.
7. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first five applicants residing in the apartment building at No. 849 Concession Street.
8. (a) That the existing "No Stopping, Wheelchair Loading Only, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the north side of Gertrude Street commencing at a point 587 feet west of Depew Street and extending to a point 28 feet westerly, be extended such that the regulation commences at a point 615 feet west of Depew Street and extends to a point 26 feet westerly therefrom; and
(b) That City Traffic By-law 89-72 be amended accordingly.
9. (a) That a "Permit Parking" regulation be implemented on the east side of Mary Street commencing 91 feet south of Simcoe Street East and extending to a point 23 feet southerly therefrom; and
(b) That the Director of Traffic Services be authorized to issue one parking permit to Mr. Domingos Darocha, 382 Mary Street; and
(c) That City Traffic By-law 89-72 be amended accordingly.
10. That City Traffic By-law 89-72 be amended to provide for the following;
(a) That a "No Parking, 8:00 a.m. to 4:00 p.m. Monday to Friday" regulation be implemented on the west side of Hummingbird Lane between Skylark Drive and Bobolink Road.

- (b)
 - i. That an "Alternate Side Parking" regulation be implemented on Rideau Crescent between Moxley Drive and the west end, such that parking is prohibited on the north side of the street during the months of December, January, February and March and from the 1st to 15th of April, May, June, July, August, September, October and November; and on the south side of the street from the 16th to the last day of April, May, June, July, August, September, October and November; and
 - ii. That in combination with the "Alternate Side Parking" regulation, a "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation be implemented on both sides of Rideau Crescent between Moxley Drive and the west end.
 - (c) That the existing "No Parking, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the north side of Aikman Avenue commencing 207 feet east of Wentworth Street South and extending to a point 75 feet easterly therefrom be extended such that it commences at a point 142 feet east of Wentworth Street South and extends to a point 140 feet easterly therefrom.
 - (d) That the existing "No Parking, 8:00 a.m. to 4:00 p.m. Monday to Friday" regulation on the south side of Roxborough Avenue between Graham and Houghton Avenues be shortened, such that the regulation commences at Graham Avenue and extends to a point 96 feet easterly therefrom.
 - (e) That the existing "Permit Parking" regulation on the east side of Locke Street which commences 80 feet north of Napier Street and extends to a point 152 feet northerly therefrom be shortened such that the regulation commences 80 feet north of Napier and extends to a point 102 feet northerly therefrom.
 - (f) That a "One Hour Parking Time Limit", to be in effect 24 hours a day, Monday to Friday, be implemented on the south side of Strachan Street East from John Street North to a point 141 feet westerly therefrom.
 - (g) That a stopping prohibition be implemented on the north side of McElroy Road East between Upper Wellington Street and a point 55 feet westerly therefrom.
 - (h) That the existing 99 foot "No Stopping" regulation on the east side of Princeton Drive, south of Morningside Drive, be extended such that the regulation extends to a point 118 feet south of Morningside Drive.
- 11. That the Chairman of his designate be authorized to attend the Air and Waste Management Association Conference on April 22-24, 1990, Skyline Hotel, Toronto, Ontario.

12. That leave be granted to introduce the following Bills:

- (a) B-12 By-law to Incorporate Part 3 and the easterly 58.55m of Part 2, Plan 62R-9377 into Royalvista Drive.
- (b) B-13 By-law to Amend By-law No. 89-72 to Regulate Traffic.
- (c) B-14 By-law to Amend By-law No. 89-72 to Regulate Traffic.

RESPECTFULLY SUBMITTED,

J. J. Schatz,
Acting Secretary

ALDERMAN D. CHRISTOPHERSON, ACTING CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1990 February 05

/lp

SCHEDULE "A"

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason for being Incorporated</u>	<u>File No.</u>
Greenhill Avenue	Part of Lots 27 & 28, Concession 4, (formerly Saltfleet Twp.) designated as Part 2, Exprop. Plan registered as #223432LT	(NIL)	To extend Greenhill Avenue southerly, south of Plan 62M-375	S702-27
Queen Victoria Drive	Part of Block "AX", Plan M-192, designated as Part 1, Plan 62R-10839	(NIL)	To provide access & hook-up between Queen Victoria Drive (as established by By-Law No. 83-245) & Queen Victoria Drive, Plan 62M-192	S716-01
Quaker Crescent	Part of Block "AX", Plan M-192, designated as Part 2, Plan 62R-10839	(NIL)	To provide access from Part 1, Plan 62R-10365 to Quaker Crescent, Plan 62M-192	S716-01
Limeridge Road	Part of Lot 11, Concession 7, (formerly Twp. of Barton) designated as Part 3, Plan 62R-8963	(NIL)	To provide access to and from Limeridge Road to Parts 1 & 2, Plan 62R-8963	S610-03

REFERRED TO IN SECTION 4 OF
THE **SECOND** REPORT OF THE
TRANSPORT AND ENVIRONMENT
COMMITTEE

SCHEDULE "B"

City Council Date:

REFERRED TO IN SECTION 5 OF
THE **SECOND** REPORT OF THE
TRANSPORT AND ENVIRONMENT
COMMITTEE

<u>Address/Location</u>	<u>Type of Encroachment</u>	<u>Owner</u>	<u>Solicitor/Agent Address</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
12 Clyde Street	Veranda & Steps 7.72' X 1.46'	Luciano Fuoco	Willard & Devitt Barristers & Solicitor 155 Roncesvalles Ave Toronto, Ontario M6R 2L3	\$105.00 - \$20.00	T103-50(844)
89-91 West Ave North	Building 32' X 0.67' Porch 16.42' X 1.03'	Adam Socha	Harvey Katz & Associates Barristers & Solicitors 14 Hess Street South Hamilton, Ontario L8P 3M9	\$46.00	T103-50(838)
15 Grant Avenue	Steps 2.06' X 4'	Pasquale Filice and Ida Filice		\$105.00 - \$20.00	T103-50(847)
31-33 Douglas Street	Veranda & Steps 0.33m X 1.8m Veranda & Steps 0.30m X 1.7m		Aylesworth, Thomsson, Phelan, O'Brien Barristers & Solicitors P.O. Box 15, Suite 3000 South Tower Royal Bank Plaza Toronto, Ontario M5J 2J1	\$105.00 - \$20.00	T103-50(819)

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its **SECOND** Report for 1990 and respectfully recommends:

1. (a) That the following land leases for farming purposes to Mr. Malcolm Bethune, be approved.
 - (i) 62.83 acres, more or less, on the Turner Farm situated on Rymal Road East at an annual rental of \$1 570.75 (\$25. per acre) including estimated realty taxes of \$1 718.83, and
 - (ii) 59.59 acres, more or less, of land at the Mount Hamilton Cemetery at an annual rental of \$1 489.75 (\$25. per acre) including estimated realty taxes of \$1 717.08.
- (b) The lease to commence 1990 May 1 for a period of one year and terminate 1991 April 30.
- (c) That the City Solicitor be authorized to prepare the necessary leases.

NOTE: Revenue to be credited to the following accounts:

Turner Farm - \$1 570.75 - Account No. CH44104 31106
Cemetery - \$1 489.75 - Account No. CH44118 63001

2. That an Offer to Purchase executed by Robert E. Smith and Sharon M. Smith on 1990 January 26 and scheduled for closing on or before 1990 April 15, be approved and completed.

NOTE: The sale of the City owned lands are at the rear of 92 National Drive having an approximate area of 14.82 square metres (160 square feet). The purchase price of \$400. is based on a rate of \$2.50 per square foot. The exact area and price will be determined by a survey prepared by the Purchaser to the satisfaction of the Regional Surveyor. This could result in an upward or downward adjustment to the approximate purchase price stated on the Offer. The purchase price is to be credited to Account No. CH4X501 00201.

3.
 - (a) That approval be given for the construction of a new Senior Citizen's Drop-in Centre at an alternative site, namely, city owned land located on Lake Avenue near Barton Street and Eastview Avenue.
 - (b) That approval be given to the Property Department to start a rezoning application for this new site.
 - (c) That approval be given for additional services of the Architectural Consultant, V. Pala for a new fixed fee of \$6 800. to develop a design and estimate for this new site, at no more than an upset limit of \$300 000.
 - (d) That approval be given for a soils investigation and topographic survey of the new site for an estimated maximum fee of \$15 000.

4.
 - (a) That the City Clerk be authorized to sign and serve, pursuant to The Expropriations Act, Notices of Possession requiring vacant possession of 32 Stinson Street to be turned over to the City within three months. Such Notices are to be served upon the former registered owner, the tenants on the assessment roll and the following tenants:
 - (i) Ms. Andrea Horvath
 - (ii) Mr. Ben Leonetti
 - (iii) Mr. David Hawthorne
 - (iv) D.W.S. Sandblasting Company
 - (b) That, if necessary, after the expiry of the said three month period, to secure vacant possession, the City Solicitor be authorized to apply to the Court for an Order to obtain vacant possession of the property known municipally as 32 Stinson Street, which was expropriated by Expropriation Plan 479787 CD on 1988 October 19th.

NOTE: This property is required for Carter Park (Stinson Neighbourhood Park).

5. (a) That the draft Terms of Reference for a Recreation Centres Needs Study attached herewith and marked Appendix "A", be approved as prepared by the Steering Committee.
- (b) That the Director of Culture and Recreation be authorized to pursue preparing a report to address the requirements of the Terms of Reference.
- (c) That this study be addressed with the supplementary support of consultants for the specific aspects requiring independent research, testing, and recommendations.

NOTE: Costs will not exceed \$14 000., and funds are being requested in the Department's 1990 Operating Budget.

6. (a) That the Corporation of the City of Hamilton adopt an annual policy to increase the membership rates at civic golf courses by the annual rate of inflation augmented by one percent, as outlined in Schedule A, attached herewith and marked Appendix "B".
- (b) That the 1990 Green Fees for daily use of the civic golf course be increased by one dollar, as outlined in Schedule B, attached herewith and marked Appendix "B".
- (c) That the 1990 tournaments held at civic golf courses be subject to a two dollar per player surcharge.

NOTE: Increased revenues will move towards a potential 1990 breakeven basis for the golf course operations.

7. (a) That approval be given to the allocation of funds, in accordance with the policy as approved by City Council, and amended 1989 July 18 for the purchase and installation of playlot equipment for the following project:

(i)	McQueston Community and Neighbourhood Park	\$5 500.
	Total	\$5 500.

- (b) That the Finance and Administration Committee be requested to recommend the method of financing for this project.

8. For the information of the members of City Council, the Parks and Recreation Committee have appointed the following persons to serve on the Hamilton Historical Board for a term to expire 1992 November 30th:
- (a) David Cuming
 - (b) Carolyn Gray
 - (c) Leslie Stewart
 - (d) Dennis Missett
9. That a shared use of space arrangement be promoted for various arts organizations (e.g. Hamilton and Region Arts Council, Hamilton Artists Incorporated, Native Indian/Inuit Photographers Association) in a multi-purpose facility. The uses of the facility would include:
- offices
 - meeting rooms
 - studio workspaces
 - exhibit/performance areas
 - storage space
 - rehearsal space
10. That the following recommendation of the Arts Advisory Sub-Committee be referred to the HECFI Board of Directors for their consideration:
- That City funded arts organizations have access to the Hamilton Place and Copps Coliseum marquees to promote their programs free, or at a reduced rate.
11. That approval be given to non-profit arts groups to meet and work in existing Recreation Centre Facilities, at no cost to the group, in exchange for the group providing classes, workshops, or other services free to the public, subject to the approval of the Director of Culture and Recreation.

Respectfully Submitted,

ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE

Susan K. Reeder, Acting Secretary
1990 February 6

mjlw

THE DEPARTMENT OF CULTURE AND RECREATION

NEEDS STUDY FOR RECREATION CENTRES

TERMS OF REFERENCE

Appendix "A" as referred
to in Section 5 of the
SECOND Report for 1990
of the Parks and
Recreation Committee

C-5



culture and recreation

RECREATION CENTRE NEEDS STUDY

OVERVIEW

"The test of the future is its planning from today." This axiom has never been more true than when it comes to preparing for the constructive use of leisure time and the facility requirements for our City.

THE STEERING COMMITTEE'S TASK

Approval was given to put into place a Steering Committee utilizing representatives from the various committees, positional and divisional levels involved with the input and operations of the Culture and Recreation Department. The Committee's task was to:

1. To develop DRAFT terms of reference into an acceptable format.
2. To determine who will carry them out.

THE DEPARTMENT OF CULTURE AND RECREATION'S "MISSION STATEMENT"

"The Department of Culture and Recreation will contribute to the quality of life in Hamilton by providing enhanced Cultural and Recreational opportunities for our citizens and visitors" and
"our staff will provide responsive programs/services."

OUR GOALS

1. To support and develop volunteerism.
2. To program and operate our facilities professionally.
3. To optimize community resources.
4. To communicate and educate.
5. To forecast and evaluate our program needs.
6. To develop professional leadership.
7. To manage and be accountable for our public trust.

D R A F T

TERMS OF REFERENCE
NEEDS STUDY FOR RECREATION CENTRES

1. INTRODUCTION

The City of Hamilton is currently serviced by twelve (12) Recreation Centres which were built during the period 1959-1981. These facilities generally house a swimming pool, gymnasium and various multi-use activity rooms along with staff offices and change rooms.

The tenure of some facilities has been thirty years and, although maintenance has been ongoing to ensure a well functioning plant, some facilities are in need of major improvements and retrofitting.

The Culture and Recreation Master Plan and the Departmental Capital Budget Review indicate that a number of new facilities should be considered to serve the new residential areas of the City of Hamilton. These facilities may follow the established format (pool, gym, activity rooms) or a variation of multi-use recreational format.

The demographics have changed dramatically over the past thirty years and so have the interest levels in recreation programs. Both redesigns and new construction must address these trends of today and how they affect tomorrow.

2. OBJECTIVES OF THE STUDY

- 2.1 To recommend the service area formula for all facilities based on serving a geographic area and/or serving a City-Wide need.
- 2.2 To review the current facilities/recreation/cultural centres against current standards of user profiles and service requirements.
- 2.3 To recommend additional facilities/recreation/cultural centres and their appropriate location to serve the growing residential areas of the City of Hamilton over the next ten years.

- 2.4 To recommend the content/format for existing and new facilities to best serve the multi-interest levels of recreational, leisure and cultural activities to include joint venture projects. To also review and report on past joint agreements with Boards of Education, McMaster University, Mohawk College and any additional shared user groups in regards to shared use of facilities.
- 2.5 To evaluate the major maintenance and retrofitting policy of the City of Hamilton for recreation facilities.
- 2.6 To recommend the time schedule for upgrading/construction projects on a priority basis.
- 2.7 To identify the capital financing options that are available for municipal, provincial, and private funds.
- 2.8 To identify, compare and evaluate our current operating procedures relative to other major providers of comparable size and service delivery and to recommend future operating principles for staffing.
- 2.9 To involve public participation in the study.

3. SCOPE OF THE STUDY

- 3.1 The study is expected to take four (4) months to complete and will commence in early 1990.
- 3.2 The Study Team will be provided with background documents and materials from all appropriate city or regional departments.
- 3.3 The Study Team is expected to follow the following guidelines:

Month One-	Orientation and information gathering
Month Two-	Response to Steering Committee on the Terms of Reference and appropriateness of schedules
Month Three-	Interim Report and Public Meeting(s)
Month Four-	Draft Report Presentation to Steering Committee Presentation to the Parks and Recreation Committee

Public Meeting
Final Report

4. STUDY REQUIREMENTS

4.1 Market Data

To provide relevant information related to trends in the provision of recreation programs and services in Hamilton. The implications of these trends will be addressed.

4.2 Economic Data

To provide an analysis of demographics, residential growth areas, travel patterns, and economic projections which apply to this study.

4.3 Inventory Analysis

To provide a current inventory of facilities, programs and services which apply to the City of Hamilton and to address the implication of this inventory. To review and provide joint venture agreements with all shared user groups.

4.4 Service Standards

To analyze the standards for present and future facilities and address the capital and operating cost projections.

4.5 Objectives Orientation

To comply with the nine (9) objectives set out as the goals in this report.

4.6 Public Participation

To ensure public participation in appropriate forms such as meetings, survey, and interviews.

5. FACILITY REQUIREMENTS

5.1 To determine the facility needs at existing and new recreational/cultural centres related to:

- space requirements for interest areas
- determine multi-purpose options
- innovative design options - leisure concepts
- accessibility

5.2 To determine the future needs and locations based on:

- facility feature and expansion options
- environmental impacts and enhancement
- Official Plan zoning implications
- parking, traffic and public transportation
- community acceptance
- site availability and/or acquisition of same
- servicing availability

5.3 To determine the preferred operational format for recreation/cultural facilities dealing with:

- user costs
- operating costs
- capital costs
- management and staffing
- impact on current capital and operating budgets
- market awareness

6.0 FINANCIAL ANALYSIS

6.1 Cost Analysis

The Study Team will provide short and long term cost analysis for the recommendations to include:

- project consulting
- architectural
- renovating - construction estimates
- hard estimates
- contingency allowances

6.2 Capital Funding

The Study Team will provide estimates and time tables for capital programs with identified sources of funds external from municipal, exploring options for:

- other levels of government
- joint funding
- fund raising

6.3 Operating Costs

The Study Team will provide options for operating formats to include:

- program and service costs
- staffing levels and costs
- services, utilities, maintenance costs

6.3 Operating Revenues

The Study Team will develop options for revenues to include membership fees, admission fees, rentals, lease options, concessions advertising, donor programs.

7.0 RATES AND RESPONSIBILITIES

The Study Team will report and be accountable to the Steering Committee. This will be done through monthly meetings, following guidelines in item 3.3.

The Department of Culture and Recreation will provide support services and materials to the Study Team. The Study Team will identify the project contacts/liaisons, the cost requirements, and overview strategy. The Study Team will provide draft copies of all printed material, progress reports, interim reports (20) and final reports (20), to the Steering Committee.

8.0 CONCLUDING REMARKS

The direction of this Needs Study and the approach to addressing the objectives should not be limited to traditional terms for recreational programming. The Study Team and the Steering Committee must be prepared to explore innovative concepts and combinations which address the recreation needs of the Hamilton mosaic.

The most viable recommendations will be a combination of user friendly and facility effective.

R. Sugden, Director
Culture and Recreation Department

DEPARTMENT OF CULTURE AND RECREATION
GOLF MEMBERSHIPS AND GREEN FEES

SCHEDULE "A"

MEMBERSHIPS

1989	CHEDOKE		KINGS FOREST	
	1989	1990	1989	1990
MENS	\$394.00	\$420.00	\$446.00	\$480.00
MENS NON-RES	591.00	630.00	669.00	720.00
LADIES	394.00	420.00	436.00	470.00
LADIES NON-RES	591.00	630.00	654.00	700.00
COUPLES	714.00	760.00	824.00	880.00
COUPLES NON-RES	1,071.00	1,140.00	1,236.00	1,320.00
FAMILY	845.00	900.00	956.00	1,010.00
FAMILY NON-RES	1,268.00	1,350.00	1,434.00	1,520.00
JUNIORS	179.00	190.00	221.00	240.00
JUNIORS NON-RES	268.00	290.00	332.00	360.00
INTERMED	231.00	250.00	263.00	280.00
INTERMED NON-RES	347.00	370.00	395.00	420.00
PENSIONERS	257.00	280.00	278.00	300.00
PENSIONERS NON-RES	386.00	420.00	417.00	450.00
OVER 70	179.00	190.00	200.00	210.00
OVER 70 NON-RES	N/A		N/A	

GREEN FEES - SCHEDULE "B"

CHEDOKE

MARTIN - 18	\$14.00	\$15.00	
MARTIN - 9	12.00	13.00	
MARTIN - * WE - 18	15.00	16.00	* Weekends and Holidays
MARTIN - * WE - 9	13.00	14.00	
MARTIN - PENS	10.00	11.00	
BEDDOE - 18	16.00	17.00	
BEDDOE - 9	14.00	15.00	
BEDDOE - * WE - 18	17.00	18.00	
BEDDOE - * WE - 9	15.00	16.00	
BEDDOE - PENS	12.00	13.00	

KING'S FOREST

18 HOLE	\$17.00	\$18.00
9 HOLE	14.00	15.00
PENSIONER	12.00	13.00

Appendix "B" as referred
to in Section 6 of the
SECOND Report for 1990
of the Parks and
Recreation Committee

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its FOURTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
 - (a) 1019 Scenic Drive
 - (b) 68 Royal Avenue
2. That By-law No. 87-350 prescribing a tariff of fees in relation to anticipated administrative costs be appropriately amended to reflect a fee increase from the present \$180. to \$250. for applications to the Committee of Adjustment effective 1990 April 2.
3. (a) That, the 1990 operating budget of the Concession Street B.I.A., as shown on the attached marked as Appendix "A", be approved in the amount of twenty-six thousand, sixty dollars (\$26,060.);
 - (b) That, the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as referenced in (a) above; and,
 - (c) That, the schedule of payments for 1990 be as follows:

March 01	\$6,000.
April 01	4,000.
June 01	6,000.
August 01	4,500.
October 01	5,560.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

4. (a) That, the 1990 operating budget of the Downtown Promenade B.I.A., as shown on the attached marked as Appendix "B", be approved in the amount of one hundred and ninety-nine thousand, nine hundred and eighty dollars (\$199,980.);
- (b) That, the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1990 Budget as referenced in (a) above; and,
- (c) That, the schedule of payments for 1990 be as follows:

January 01	\$23,980.	February 01	\$16,000.
March 01	16,000	April 01	16,000.
May 01	16,000.	June 01	16,000.
July 01	16,000.	August 01	16,000.
September 01	16,000.	October 01	16,000.
November 01	16,000.	December 01	16,000.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

5. (a) That, the 1990 operating budget of the Jamesville B.I.A., as shown on the attached marked as Appendix "C", be approved in the amount of thirty-five thousand, four hundred and fifty dollars (\$35,450.);
- (b) That, the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1990 Budget as referenced in (a) above; and
- (c) That, the schedule of payments for 1990 be as follows:

February 01	\$15,450.
May 01	10,000.
August 01	10,000.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

6. (a) That, the 1990 operating budget of the Westdale Village B.I.A., as shown on the attached marked as Appendix "D", be approved in the amount of twenty-five thousand dollars (\$25,000.);
- (b) That, the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as referenced in (a) above; and,

(c) That, the schedule of payments for 1990 be as follows:

February 01	\$ 6,250.
April 01	6,250.
June 01	6,250.
October 01	6,250.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

7. (a) That, the 1990 operating budget of the International Village B.I.A., as shown on the attached marked as Appendix "E", be approved in the amount of sixty-five thousand dollars (\$65,000.);

(b) That, the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1990 Budget as referenced in (a) above; and,

(c) That, the schedule of payments for 1990 be as follows:

February 01	\$25,000.
May 01	20,000.
July 01	20,000.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

8. (a) That, the 1990 operating budget of the Ottawa Street B.I.A., as shown on the attached marked as Appendix "F", be approved in the amount of eighty-five thousand dollars (\$85,000.);

(b) That, the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as referenced in (a) above; and

(c) That, the schedule of payments for 1990 be as follows:

March 01	\$42,500.
June 01	21,250.
September 01	21,250.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

9. (a) That, the 1990 operating budget of the Barton General B.I.A., as shown on the attached marked as Appendix "G", be approved in the amount of six thousand dollars (\$6,000.);
- (b) That, the City Solicitor be authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O., 1980, to levy the 1990 Budget as referenced in (a) above; and
- (c) That, the schedule of payments for 1990 be as follows:

April 01	\$ 2,000.
July 01	2,000.
October 01	2,000.

NOTE: 1989 Levy Arrears will be deducted from the first payment for 1990.

10. (a) That, By-law No. 87-147 appointing the Ottawa Street B.I.A. Board of Management, be amended to delete the following names:

C. Mirabella	Encore T.V. and Video
--------------	-----------------------

and add the following:

J. Driscoll	Price Busters Discount
L. Ross	Maggie's Ladies Wear

- (b) That, the City Solicitor be authorized and directed to amend By-law 87-147 pursuant to (a) above.

11. (a) That, By-law No. 87-147 appointing the Westdale Village B.I.A. Board of Management be amended to delete the following names:

M. Kane	Mary Ann's Gifts
D. Hurley	D. H. Fashions
J. Jennings	Five Seasons Travel

and add the following:

Y. Bernert	Woodland Leathers
D. Miklos Jr.	The Village F-Stop
S. McConnell	Boudoir Keepsakes of Westdale
B. Basadur	Cottonwood

- (b) That, the City Solicitor be authorized and directed to amend By-law No. 87-147 pursuant to (a) above.

12. (a) That, By-law No. 87-147 appointing the Jamesville B.I.A. Board of Management be amended to delete the following names:

D. Fraser
T. Monagimzada

and add the following:

G. Lipari
R. Corsini
R. Burridge

- (b) That, the City Solicitor be authorized and directed to amend By-law No. 87-147 pursuant to (a) above.

13. That Section 8 of the 17th Report of the Planning and Development Committee as approved by City Council on 1989 July 25, be amended as follows:

- (a) The City's Offer to Purchase agreement dated 1989 June 20th, be amended by expanding the number of Purchasers from Mercanti Management Inc. to include Peter Mercanti, Morris Mercanti, Moore & Davis Enterprises Inc. and Arthur Glenn Bryant each as to 20% undivided interest as tenants in common.

14. That Section 12 of the 16th Report of the Planning and Development Committee, as approved by City Council on 1988 July 26, be amended as follows:

- (a) That approval be granted to allow the transfer of title in the City's deed 9495 from Sam, Peter and Morris Mercanti to Samuel, Peter, Morris Mercanti, Moore & Davis Enterprises Inc. and Arthur Glenn Bryant each as to as a 20% undivided interest, as tenants in common;
- (b) That the Purchasers' solicitor must prepare all necessary agreements and deed subject to the approval of the City Solicitor.
- (c) That any costs incurred by the City in this regard will be borne by the Purchasers.

15. (a) That Starward Homes Limited be authorized to make an application to have the City owned lands described as Part 1, Plan 62R-10500 placed under the Land Titles System; and,
- (b) That the Mayor and the City Clerk be authorized and directed to execute the documentation prepared by Starward Homes Limited, provided that the content and form of same is satisfactory to the City Solicitor.

NOTE: Starward Homes Limited was given approval to include the subject City owned parcel, Block 1, with other Starward lands in Zoning Application 89-15 and Subdivision Application 88-05, pursuant to City Council's 1989 May 30th adoption of Section 9 of the 14th Report for 1989 of the Planning and Development Committee.

16. (a) That Section 5 of the 26th Report of the Planning and Development Committee Report, as approved by City Council on 1989 November 14, be rescinded.
- (b) That the City of Hamilton accept the sum of \$66,900. as cash payment in lieu of 5% dedication in connection with "Wentwal Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: This revised figure has been calculated as a result of the addition of Block 40 to the Subdivision.

These lands are located west of Upper Wentworth Street and north of Rymal Road in the Barnstown Neighbourhood, Hamilton.

17. That approval be given to a request by Bassel, Sullivan and Leake, Solicitors for the owner of the property at 530-550 Fennell Avenue East, to discharge a modified subdivision agreement, registered on 1957 December 31, as Instrument No. 34335 HL and that the City Solicitor proceed accordingly.

NOTE: The modified subdivision agreement which was registered on 1957 December 31, has become outdated and does not recognize various alterations of the site which have subsequently been processed and controlled by the Site Plan Control procedure and By-laws No. 87-150, No. 87-223 and No. 79-276.

18. That Site Plan Control By-laws No. 87-223 and No. 79-275, be amended to include the lands located on the north and south sides of Main Street West between Highway No. 403 and Queen Street South as outlined in the map attached hereto and marked as Appendix "H", and that the City Solicitor be directed to proceed with such action.

NOTE: The purposes of the By-law is to include the lands under Site Plan Control. Any development proposed along the Main Street corridor in this area would be required to submit various plans for approval. This action was a recommendation of the report entitled "City Entrance - Main Street West" which was accepted by City Council at its meeting of 1989 November 14.

19. (a) That the recommendations of the Central Area Plan Implementation Committee, in their report dated 1990 January 22nd, respecting a Regional Transportation Study and the proposed Perimeter Road be forwarded to Regional Council for consideration.
- (b) That the City Clerk advise Regional Council that the Planning and Development Committee endorses C.A.P.I.C.'s recommendation on the need for a comprehensive Transportation Study to be undertaken.
20. For the information of the members of City Council, the Planning and Development Committee has appointed Alderman W. McCulloch to serve on the Central Area Plan Implementation Committee.
21. (a) That the request for a waiver from the requirements of a Feasibility Study and Impact Analysis for lands located west of Nash Road, north of the C.N.R. be granted;
- (b) That the City Clerk be directed to inform the Council of the Regional Municipality of Hamilton-Wentworth regarding (a) above, and request that Regional concurrence be obtained; and,
- (c) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223, be amended by including the subject lands.

NOTE: The Planning and Development Department has recently received a request for a waiver from the requirements of a Feasibility Study and Impact Analysis (Environmental Impact Statement) from the Regional Freeway Project Office, for City owned lands located west of Nash Road, north of the C.N.R., as shown on the attached map marked as Appendix "I". The Official Plan requires an Environmental Impact Statement for development proposals within Environmentally Sensitive Areas, or if requested, Council may grant a waiver, with the concurrence of Regional Council.

- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27A for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of 641 Limeridge Road East.

The effect of the By-law is to permit the rear portion of the property to be developed in conjunction with adjoining lands to create a building lot for a single-family dwelling fronting onto Parkwood Crescent.

27. (a) That approval be given to Zoning Application 89-115, LIUNA Local 837 Health and Welfare Plan, owner, requesting a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit the conversion of the existing building for a dental office and vision ware dispensary for union members on the first floor, and offices on the second floor, for the property located at 18 West Avenue South, as shown on the attached map marked as Appendix "M", on the following basis:

- (i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (1.) That notwithstanding Section 11(1), the following uses shall be permitted:

- (a) Commercial uses only within the existing building:

- (i) A dental office;
 - (ii) Business and professional Offices (excluding all medical offices except a dental office permitted in clause (a) above; and,
 - (iii) An optician's establishment.

- (b) Accessory Use:

- (i) One ground sign, wall sign or projection sign having an area of not more than 0.4m² non-illuminated or illuminated by non-flashing, indirect or interior means only, located at least 1.5m from the nearest street line in connection with the commercial use.

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1161, and that the subject lands on Zoning District Maps E-13 and E-14 be notated S-1161;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-13 and E-14 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (v) That the Stinson Neighbourhood Plan be amended by redesignating the subject lands from "Medium Density Apartments" to "Commercial".
- (b) That the amending by-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the by-law is to provide for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for the property located at 18 West Avenue South.

The effect of the by-law is to permit the following uses:

- (i) Commercial within the existing building only:
 - (1.) A dental office;
 - (2.) Business and professional offices (excluding medical offices with the exception of a dental office); and,
 - (3.) An opticians establishment.
- (ii) Accessory:
 - (1.) One ground, wall, or projection sign not greater than 0.4m² in area, non-illuminated or illuminated by non-flashing, indirect or interior means only and no closer than 1.5m to the nearest street line.

28. That leave be granted to introduce the following Bills:

- (a) Bill D-20 A By-law to adopt Official Plan Amendment No. 84 respecting land located at Municipal No. 420 Rymal Road East, within the Broughton West Neighbourhood.
- (b) Bill D-21 A By-law to adopt Official Plan Amendment No. 85 respecting lands located north of Rymal Road East, between Upper Wentworth Street and Upper Sherman Avenue, within the Butler Neighbourhood.
- (c) Bill D-22 A By-law to adopt Official Plan Amendment No. 86 respecting lands located along Centennial Parkway North, from the Q.E.W. to the City limits, within the Nashdale, Lakely, Kentley and Riverdale West Neighbourhoods.
- (d) Bill D-23 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 1050 Rymal Road East.
- (e) Bill D-24 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 780 Upper Paradise Road.
- (f) Bill D-25 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 323 Rymal Road East.
- (g) Bill D-26 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 302 Stone Church Road West.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder, Secretary
1990 February 7th

SCHEDULE OF PAYMENTS FOR 1990 - CONCESSION STREET B.I.A.

<u>DATE REQUIRED</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
March 1, 1990	\$ 6,000.00	Rent and insurance and accounting
April 1, 1990	4,000.00	Promotions; Easter, Mothers Day, Fathers Day
June 1, 1990	6,000.00	Summer Festival
August 1, 1990	4,500.00	Fall Fair
October 1, 1990	<u>5,560.00</u>	Christmas, Midnight - Madness
TOTAL	<u>\$26,060.00</u>	

Y. Jean
Yvon Jean, Treasurer
Concession Street B.I.A.

YJ/df

Appendix "A" as referred to in Section 3 of the FOURTH Report for 1990 of the Planning and Development Committee.

A

JAMESVILLE
APPROVED BUDGET FOR 1990

SPRING SIDEWALK SALE

Advertising	Newspaper	\$1,000.00	
	Radio	1,500.00	
	Billboards, printing	1,000.00	
Total		<u>3,500.00</u>	
Prizes		1,000.00	
Wages		500.00	
Entertainment		1,000.00	
Administration (permits etc.)		300.00	
Total		<u>2,800.00</u>	
GRAND TOTAL			\$6,300.00

ADMINISTRATION

Rent	1,150.00	
Photocopier	2,000.00	
Supplies	1,500.00	
Staff	20,000.00	
Petty cash	1,500.00	
GRAND TOTAL		26,150.00
REFUND TO CITY (Approx.)		3,000.00

<u>TOTAL FOR 1990</u>	<u>35,450.00</u>
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Appendix "C" as referred to in
Section 5 of the FOURTH Report
for 1990 of the Planning
and Development Committee.

WESTDALE VILLAGE
B.I.A.
1990 PROPOSED BUDGET

Administration	\$ 4,600.
Advertising	7,500.
Audit	300.
Christmas Decorations	2,000.
Flowers - New Merchants	400.
Hydro	1,000.
Insurance	800.
Maintenance Plants & Flowers	2,000.
Meals - General & Directors Meetings	1,000.
Newsletter, Paper and Supplies	400.
Promotions	5,000.
TOTAL	<u>25,000.</u>
LESS - SURPLUS CARRY FORWARD	<u>5,000.</u>
TOTAL FUNDS REQUIRED	✓ \$20,000.

*approved by membership
Nov 9/89.*

Appendix "D" as referred to in
Section 6 of the FOURTH Report
for 1990 of the Planning and
Development Committee.

INTERNATIONAL

Village

King Street East
between Wellington
and Mary

PROPOSED BUDGET, 1990

ADVERTISING, Print and Radio		\$30,000.00	
PROMOTIONS, Valentine, Easter Streetfest, Christmas		<u>\$10,000.00</u>	\$40,000.00
B.I.A. OPERATIONS:			
- Rent	\$4,200.00		
- Hydro, telephone	750.00		
- Equip. rentals, office supplies	<u>650.00</u>	\$ 5,600.00	
- Salaries	\$18,500.00		
- C.P.P./U.I.C.	<u>1,668.00</u>	<u>\$20,169.00</u>	\$25,768.00
INSURANCE, Accounting Fees, Bank charges			\$ 835.00
CHRISTMAS DECORATIONS, lights for street trees			<u>\$ 5,000.00</u>
TOTAL PROPOSED EXPENDITURE			\$71,603.00
Recoverable overhead costs from Job Development Programme (Sept. 1989-March 1990)			<u>\$(7,007.00)</u>
NET BUDGET REQUIREMENT			<u>\$65,000.00</u>

Approved by membership
Dec 4/89.

Appendix 'E' as referred to in
Section 7 of the FOURTH Report
for 1990 of the Planning
and Development Committee.

OTTAWA STREET B.I.A. PROPOSED 1990 BUDGET

Budget Item	Total \$	%
Rent		
12 months @ \$470	5,650	6.65
Realty taxes (yearly)	1,080	1.3
Utilities		
Hydro - office, 12 months @ \$83.00	1,000	1.18
Telephone - 2 lines @ 47.25, 12 months	1,135	1.34
- long distance calls, 12 months	475	.55
Insurance		
Total coverage includes: Liability, vandalism fire, computers, office equipment and special events	770	.90
Office Supplies		
Paper, pens, letterhead, capital newsletters, postage and sundries	1,500	1.76
Office Equipment		
Photocopier		
84,000 copies @ 7.2 cents = \$6,000.00		
less: revenue from merchants = \$2,000.00		
\$4,000.00	4,000	4.70
Typewriters		
2 service contracts	450	.52
Wages		
Manager's wages	18,720	22.02
Employees Benefits	1,875	2.20
Administrative Assistant		
(20 hrs/wk x \$6.50/hr x 50 weeks)	6,500	7.60
Employees Benefits	650	.76
Memberships		
O.B.I.A.A. National & Managers' Conference	500	.58
Advertising	13,000	15.29
Parking		
Meter feeder - 4 Saturdays @ \$50.00	200	.23
Beautification		
Street cleaner's wages		
37 weeks x 7 hours x 5 days @ \$7.00/hr	9,065	10.66
Employee Benefits	907	1.06
Streetcleaner's supplies - bags, brooms, etc.	400	.47
Plants and maintenance for planters in summer (40 planter barrels + soil + flowers)	1,950	2.30
Lighting Secondary		
Maintenance for lights in trees	4,000	4.70
Hydro for tree lights	2,500	2.94
Other Costs include:		
Flowers & gifts	450	.52
Bank Charges	250	.30
Workers Compensation	250	.30
Refreshments for special meetings	400	.47
Yearly audit of books	600	.76
Contingency Fund	2,000	2.35
8.5 percent	6,620	8.5
Total	85,000	100.00

Appendix "F" as referred to in
Section 8 of the FOURTH Report for
1990 of the Planning and
Development Committee.



BARTON GENERAL

Business Improvement Area

Chairman
Mr. Keith W. Cody
293 Barton East
Box 900
Hamilton, Ontario
L8N 3P6
Phone: 527-9163

January 19, 1990

To: City of Hamilton
Community Development

From: Keith W. Cody
BIA
Chairman

Attn: Danny Dube

Dear Danny:

Barton General BIA have the following officers
for the year 1990.

Chairman	- - Keith W. Cody
Vice Chairman	- Murray Korytko
Secretary	- Sara Vizzari
Treasurer	- Sidney Shumacher

Our Budget for 1990 is as follows:

\$6000.00 for 1990	
\$4000.00	- Advertising
\$1000.00	- Secretarial
\$ 500.00	- Meetings
\$ 250.00	- Miscellaneous
\$ 250.00	- Christmas Decor

For Commercial Improvement Programs,,
we request: STREET BLADES
FLOWER BASKETS

Yours truly,
Keith W. Cody

Appendix 'G' as referred to in
Section 9 of the FOURTH Report
for 1990 of the Planning
and Development Committee.



NOTE: All dimensions are in metres

This is Schedule A to By-Law No. 90-
Passed the day of , 1990.

.....
Clerk

Appendix 'B' as referred to in
Section 18 of the FOURTH Report
for 1990 of the Planning and
Development Committee.

.....
Mayor

City of Hamilton

Appendix to By-Law No.79-275

as Amended by
By-Law No.87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands Designated Under this By-Law
as an area of Site Plan Control pursuant
to Section 40 of the Planning Act.

North



Scale
NOT TO SCALE

Date
January, 1990

Reference File No.

Drawn By
W.B.

Appendix "I" as referred to in
Section 21 of the FOURTH Report
for 1990 of the Planning and
Development Committee.

Subject Lands

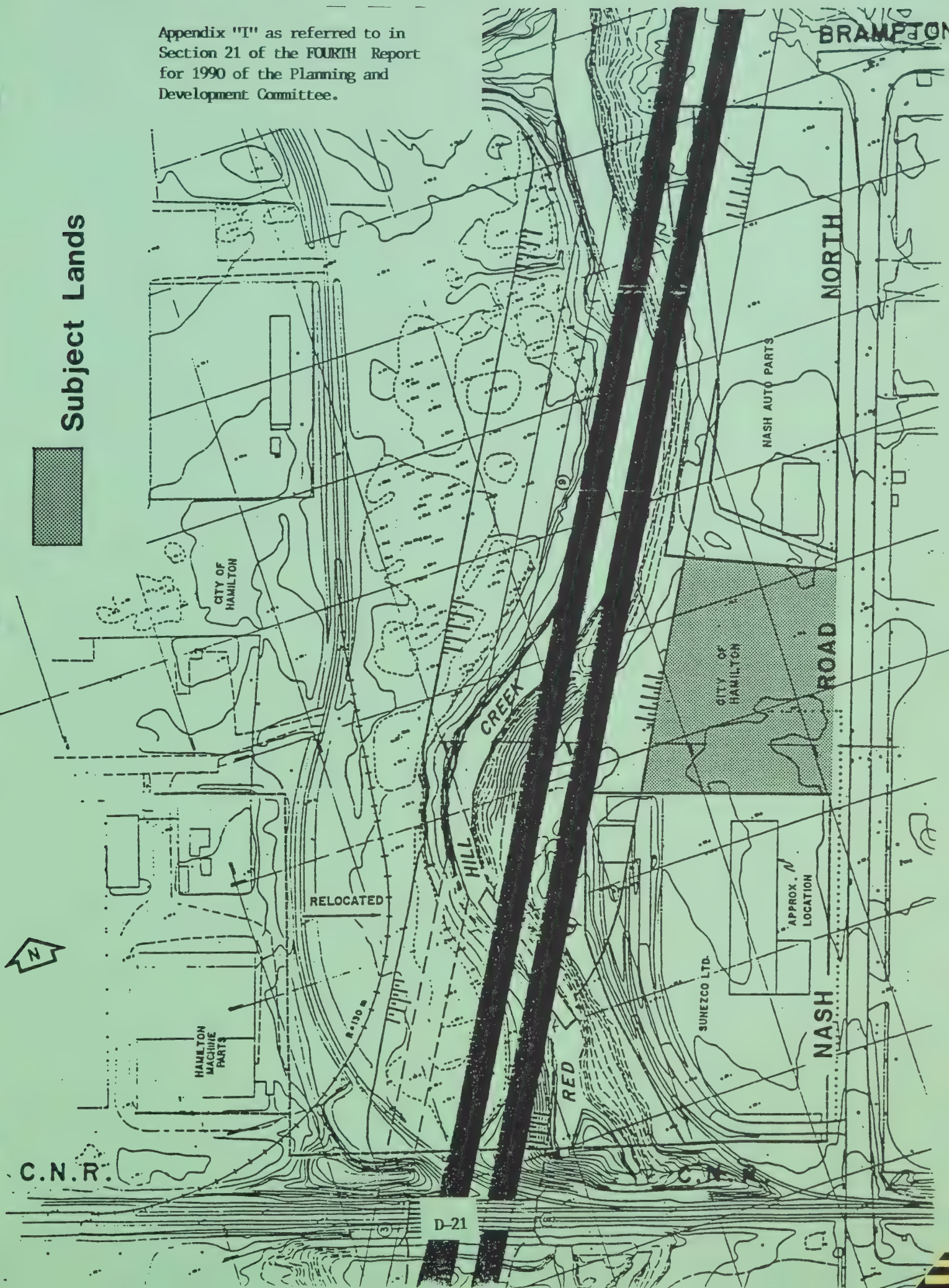


EXHIBIT A

HAMILTON CUSTOM HOUSE

51 STUART STREET, HAMILTON

RESOLUTION IN SUPPORT OF THE APPLICATION FOR AN
HISTORIC SITES AND MONUMENTS BOARD OF CANADA PLAQUE

Whereas the Hamilton Custom House is of local significance as the only remaining pre-Confederation governmental building still intact in the City;

Whereas the Hamilton Custom House is of provincial significance as one of the oldest "federal" buildings still standing in Ontario;

Whereas the Hamilton Custom House is of national significance as one of only five Customs Houses built by the Province of Canada, the Union of Upper and Lower Canada, between 1843 and 1867;

Whereas the Hamilton Custom House is of exceptional architectural significance as an outstanding example of the Italianate (Renaissance) Revival Style, credited to Public Works architect F.P. Rubidge and F. Rastrick, a Hamilton architect;

Whereas the Hamilton Custom House is a particularly distinguished work of local stone construction, a building material used in Hamilton primarily during the 1840's - 50's;

Whereas the Hamilton Custom House has in recent years undergone an extensive restoration of high quality to both its exterior and interior, with assistance from the Ontario Heritage Foundation and the City of Hamilton;

Now, therefore, we, the City of Hamilton, strongly support the application of the Hamilton Custom House for an Historic Sites and Monuments Board of Canada plaque.

Appendix "J" as referred to in
Section 22 of the FOURTH Report
for 1990 of the Planning and
Development Committee.

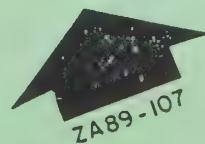


Legend

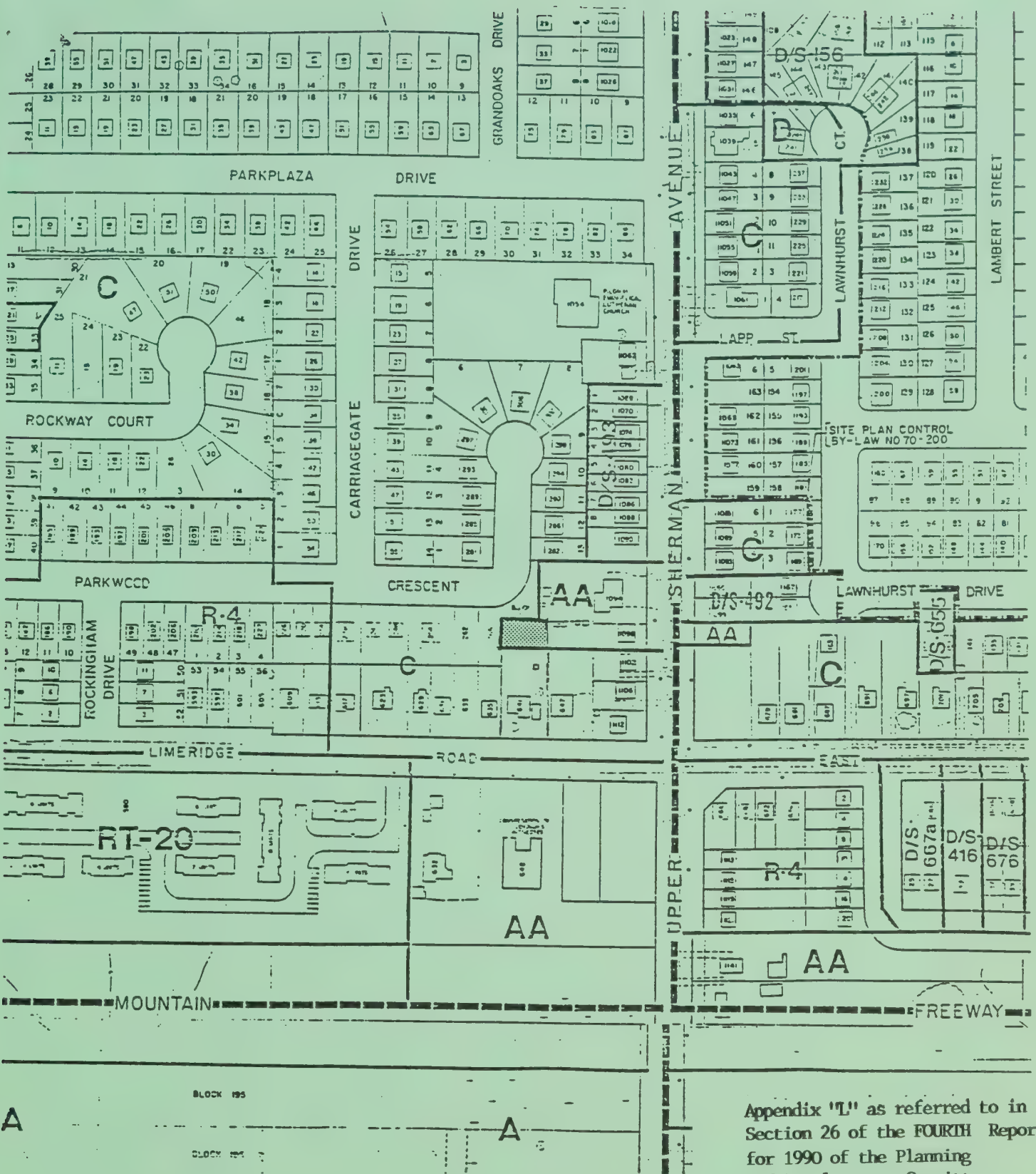


Site of the Application

D-23



Appendix "K" as referred to in
Section 25 of the FOURTH Report
for 1990 of the Planning
and Development Committee.



Legend



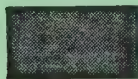
Site of the Application



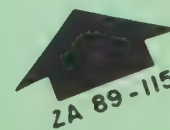
Appendix "L" as referred to in Section 26 of the FOURTH Report for 1990 of the Planning and Development Committee.



LEGEND



SITE OF THE APPLICATION



Appendix 'M' as referred to in Section 27 of the FOURTH Report for 1990 of the Planning and Development Committee.

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The City of Hamilton Licensing Committee presents its FIRST Report for 1990 and respectfully recommends:

1. That the Taxi Cab Owner Licence application of Gary Pace, 1430 King Street East, Hamilton, be denied.

NOTE: For the information of members of City Council, the City of Hamilton Licensing Committee at its meeting of 1990 January 24, recommended that the licence application be denied on the grounds that Mr. Pace did not qualify with the requirement of By-law 89-249 in that he was not engaged in the Taxi Industry for the two years immediately prior to his application.

(Further information can be obtained from the Secretary).

RESPECTFULLY SUBMITTED

ALDERMAN D. CHRISTOPHERSON
CHAIRMAN
LICENSING COMMITTEE

Stella Glover
Secretary

1990 January 24

/ag

NOTICE OF MOTION

NOTICE OF MOTION

Alderman D. Agostino gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

RESOLVED:

"That the Council of The Corporation of the City of Hamilton endorse, in principle, the response of the Solicitor General with respect to the report of the Task Force on Race Relations and Policing."

CAYON HBLAOS

A 31

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

NOTICE OF MEETING

DATE: February 16, 1990

TO: MEMBERS OF HAMILTON CITY COUNCIL

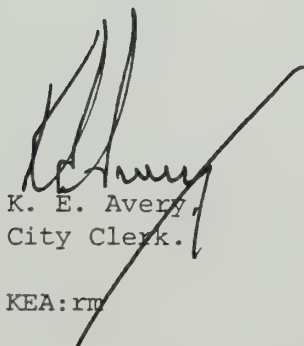
Special Meeting of City Council

TUESDAY, FEBRUARY 20, 1990

7:15 o'clock, p.m.

Council Chamber

PURPOSE: To Consider the Fifth Report of the
Finance and Administration Committee
re a Capital Grant to St. Joseph's
Community Health Centre.


K. E. Avery,
City Clerk.

KEA:rm

cc: ALL DEPARTMENT HEADS.

CA40N HBL A05
A31

RUTH GREENWOOD
URBAN MUNICIPAL COLLECTIONS
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HAMILTON PUBLIC LIBRARY

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

**MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON**

Tuesday, 1990 February 27
7:30 o'clock p.m.
Council Chambers, City Hall

URBAN MUSEUM 41
95 12 11
GOVERNMENT DOCUMENTS

A G E N D A

1. Opening Prayer

Reverend Donald A. Deas
Zion United Church
69 Pearl Street North

2. Presentation

Hamilton Amateur Wrestling Club

3. Proclamation

Nutrition Month - March 1990

4. Minutes

1990 February 13

1990 February 20

1

5. Petitions and Correspondence

6. Reports of the Standing Committees

- (a) Finance and Administration Committee
- (b) Transport and Environment Committee
- (c) Parks and Recreation Committee
- (d) Planning and Development Committee

7. Notices of Motion from Previous Meetings

Alderman D. Agostino

Alderman D. Drury

8. Notices of Motion for Next Meeting

9. First Reading of the Bills

10. Second Reading of the Bills - Committee of the Whole

11. Third Reading of the Bills

12. Question Period

13. Adjournment

M I N U T E S

MEETING OF HAMILTON CITY COUNCIL
TUESDAY, FEBRUARY 13, 1990
7:30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps,
Christopherson, Agostino, Lombardo, Smith, Jackson,
Gallagher, Ross, Murray.

ABSENT: Aldermen Agro and Merling (Vacation)

His Worship Mayor Robert M. Morrow called the meeting to order.

The Reverend Father Philip Sherlock, St. Margaret Mary Roman Catholic
Church, led the Council in prayer.

* * * * *

The following presentation was made:

CHCH-TV for Community Pride Programme

* * * * *

Mr. George C. Baker, Chief, Hamilton Fire Department, subscribed to the
Declaration for the Appointed Office of Fire Chief.

Mr. Joseph J. Schatz, Deputy City Clerk, subscribed to the Declaration
for the Appointed Office of Deputy City Clerk.

* * * * *

The minutes of the meeting of January 30, 1990, were taken as read and
approved.

* * * * *

The following communications were received and forwarded to the appropriate
Committee, except as indicated:

1. Application from Mount Hamilton Christian Homes Inc., 1415 Upper Wellington
Street, Hamilton, Ontario, for a change in zoning, property located at 249
Stone Church Road East, dated January 30, 1990.
2. Application from Hilliard Clark Harnden, 117 Holstein Drive, Ancaster,
Ontario, and Helen Ann Anderson, 1620 Upper Gage Avenue, Hamilton,
Ontario, for a change in zoning, properties located at Nos. 1610, 1614,
1620, 1626 Upper Gage Avenue, dated January 31, 1990.

3. Application from Morris Mercanti, 16 Nellida Crescent, Hamilton, Ontario, for a modification to the zoning, property located on the west side of Anchor Road, south of Stone Church Road East, dated January 31, 1990.
4. Application from I. Johnson, 1279 Upper Gage Avenue, Hamilton, Ontario, for a change in zoning, property located at 1279 Upper Gage Avenue, dated February 5, 1990.
5. Application from Matteo and Josephine Arnosti, 256 Ottawa Street South, Hamilton, Ontario, for a change in zoning, property located at 1461 Upper Gage Avenue, dated February 5, 1990.
6. Application from David John Armstrong, 83 Seymour Drive, Ancaster, Ontario, for a change in zoning, property located at the south-west corner of Limeridge Road East and Upper Sherman Avenue, dated February 8, 1990.
7. Letter from His Worship Mayor John Addison, Corporation of the Town of Dundas, Ontario, re Regionalizing Fire Services, dated February 2, 1990. (Referred to the Finance and Administration Committee).
8. Letter from Mr. Paul Cowell, dated January 11, 1990, resigning as a member of the H.E.C.F.I. Board. (Referred to the Finance and Administration Committee).

* * * * *

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that that Council move into Committee of the Whole to consider the following Reports, with Alderman Smith in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

(A) FINANCE AND ADMINISTRATION COMMITTEE - FOURTH REPORT.

Recorded vote on Section 15. (Re: Minority Language Rights in our Community).

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Murray. - 13.

NAYS: Aldermen Gallagher, Ross. - 2. CARRIED.

(B) TRANSPORT AND ENVIRONMENT COMMITTEE - SECOND REPORT.

* * * * *

(C) PARKS AND RECREATION COMMITTEE - SECOND REPORT.

* * * * *

(D) PLANNING AND DEVELOPMENT COMMITTEE - FOURTH REPORT.

Alderman Ross declared personal interest in, took no part in the debate, and refrained from voting on Section 8. His wife operates a store within the Ottawa Street B.I.A.

Alderman Ross declared personal interest in, took no part in the debate, and refrained from voting on Section 10. His wife operates a store within the Ottawa Street B.I.A.

* * * * *

It was moved by Alderman Hinkley and seconded by Alderman Drury.

RESOLVED: that Section 13 be amended by adding the following after the date "1989 July 25" in the second line:

"respecting Parts 2 and 3, Plan 62R-10547 - Upper Ottawa Street,". - CARRIED.

* * * * *

It was moved by Alderman Hinkley and seconded by Alderman Drury.

RESOLVED: that Section 14 be amended by adding the following after the date "1988 July 26" in the second line:

"respecting Anchor Road - Parts 3 and 4, Plan 62R-5200,". - CARRIED.

* * * * *

(E) CITY OF HAMILTON LICENSING COMMITTEE - FIRST REPORT.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

A-6,
B-12, B-13, B-14,
D-20, D-21, D-22, D-23, D-24, D-25, D-26.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Smith in the chair.

A-6,
B-12, B-13, B-14,
D-20, D-21, D-22, D-23, D-24, D-25, D-26.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

Consideration of the Bills (second reading)

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time:

A-6,
B-12, B-13, B-14,
D-20, D-21, D-22, D-23, D-24, D-25, D-26.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 15.

NAYS: 0 - CARRIED.

* * * * *

NOTICE OF MOTION

Alderman Drury gave notice that he would move the following Notice of Motion at the next regular meeting of Hamilton City Council:

"RESOLVED: that the Procedural By-law governing HECFI be amended to reduce the composition of Aldermen appointees from 7 to 4, plus the Mayor, and that the Procedural By-law also be amended to reflect the reduced complement and its relationship to quorum."

* * * * *

City Council adjourned at 8.30 o'clock, p.m.

* * * * *

MEETING OF HAMILTON CITY COUNCIL
TUESDAY, FEBRUARY 20, 1990
7:15 O'CLOCK, P.M.

Special meeting of City Council called at the direction of His Worship
Mayor Robert M. Morrow.

PRESENT: Robert M. Morrow, Esq., Mayor.

Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson,
Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross,
Murray.

ABSENT: Alderman Agro (Vacation)
Alderman McCulloch (Vacation)

The Clerk read the notice calling the meeting.

* * * * *

It was moved by Alderman Cooke, seconded by Alderman Christopherson, and
carried, that Council move into Committee of the Whole to consider the
following Report, with Mayor Morrow in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson,
Agostino, Lombardo, Smith, Jackson, Merling, Ross. - 13.

NAYS: 0. - CARRIED.

* * * * *

(A) FINANCE AND ADMINISTRATION COMMITTEE - FIFTH REPORT.

Recorded vote on Section 1 (Re: Request of St. Joseph's Hospital
for a Capital Grant).

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps,
Christopherson, Agostino, Lombardo, Smith, Jackson, Merling,
Ross. - 13.

NAYS: Aldermen Gallagher, Murray. - 2. CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Christopherson.

RESOLVED: that the Report of the Committee of the Whole on the above Report
be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson,
Agostino, Lombardo, Smith, Jackson, Merling, Ross. - 13.

NAYS: 0. - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Christopherson.

RESOLVED: that the following Bill be now read a first time.

A-7

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Ross. - 13.

NAYS: 0. - CARRIED.

* * * * *

It was moved by Alderman Cooke, seconded by Alderman Christopherson, and carried, that Council move into Committee of the Whole to consider the following Bill, with Mayor Morrow in the chair.

A-7

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Ross. - 13.

NAYS: 0. - CARRIED.

* * * * *

Consideration of the Bill (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Christopherson.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bill, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Murray. 13.

NAYS: 0. - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Christopherson.

RESOLVED: that the following Bill be now read a third time.

A-7

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Ross. - 13.

NAYS: 0. - CARRIED.

* * * * *

City Council adjourned at 7.30 o'clock, p.m.

C O R R E S P O N D E N C E

Correspondence

1. Letter from The Association of Municipalities of Ontario Regarding the Need for New Funding Relationships between the Province and the Municipalities. (Previously Distributed)

REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE

2. Letter from The Association of Municipalities of Ontario Regarding the Discussion Paper of the AMO Conditional Grants Review. (Previously Distributed)

REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE

3. Copy of a letter from the Insurance Bureau of Canada to the Mayor of the Town of Milton regarding the Ontario Motorist Protectionn Plan.

RECEIVE

4. Memorandum from the Federation of Municipalities of Ontario regarding:

- (a) Radio Licence Fees
- (b) Official Languages Controversy.

REFER TO THE FINANCE AND ADMINISTRATION COMMITTEE

5. Application from William Kosar "In Trust", 1030 Upper James Street, Suite 300, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District for property at No. 912 Rymal Road East.

RECEIVE

6. Application from Patran Holdings Ltd., 21 Brockley Drive, Stoney Creek, Ontario for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "E-3" (High Density Multiple Dwellings) District for property at 55 Queen Street.

RECEIVE

7. Application from Taba Developments Ltd., c/o 160 Centennial Parkway North, Hamilton, Ontario for a modification to the "M-12" (Prestige Industrial) District for property at 15 Unsworth Drive.

RECEIVE

8. Application from Rob Patterson, 212 James Street South, Hamilton, Ontario for a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property at No. 14 Duke Street.

RECEIVE

9. Application from Pietro Giraldi and Maria Giraldi, 779 Rymal Road, Hamilton, Ontario for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property at the rear of 779 Rymal Road

RECEIVE



FEB 17 1990

Insurance Bureau of Canada • Bureau d'assurance du Canada
181 University Avenue • Thirteenth Floor • Toronto • Ont. • M5H 3M7 • Tel. (416) 362-2031 • Fax (416) 361-5952

February 8, 1990

His Worship
Mayor G. Krantz
Corporation of the Town of Milton
Victoria Park Square,
P.O. Box 1006,
Milton, Ontario
L9T 4B9

Dear Mr. Mayor,

Re: Ontario Motorist Protection Plan

It was with some concern that I learned that the Council of the Corporation of the Town of Milton passed a resolution regarding the Ontario Motorist Protection Plan based on only one presentation from the Canadian Bar Association, Ontario Branch. What is even more distressing, is that the resolution seems to be passed on information which is, in many areas, incorrect.

In particular, the following areas appear to need further clarification:

- o \$450 is not the maximum amount of compensation available for lost income. Under the Ontario Motorist Protection Plan (OMPP) those injured in automobile accidents are eligible to receive 80% of their lost income and up to \$450 per week from their automobile policy. This means that if an injured worker making \$800 is injured in an automobile accident and has a disability plan that pays 60% of his income during time off he would then receive \$480 a week from his disability insurer and \$160 from his auto insurance policy making a total of \$640 a week or 80% of his gross income. This leaves him in the same net income situation that he was in before the accident.
- o Sick leave benefits are not required to be deducted from insurance benefits. Those who have benefits plans at work that allow an employee to accumulate sick credits are not required by the OMPP to use up their sick leave in the event that they must miss work as a result of an auto accident. Instead, they may take leave without pay. The injured person

can then rely on his/her automobile insurance and his/her disability insurance for income replacement.

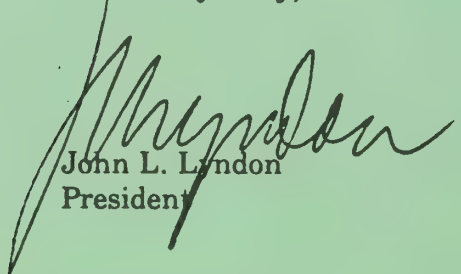
For example, a male teacher makes \$1,000 a week. He takes leave without pay for sixty days (this is the sick leave period and is not covered by the disability plan). He then gets disability payments for four months. Under the OMPP he gets \$450 a week for the sixty day period. After the sixty day period, he receives \$600 a week from the disability insurer, and \$200 a week from the OMPP. This insures that the accident victim gets 80% gross salary on an untaxed basis, which is at least equivalent to his or her gross taxable pay. In addition, if the individual in the example provided has a serious and permanent injury and was not at fault in the accident, he could resort to the tort system and sue in court.

The income replacement benefits of \$450 a week are over 220% greater than the current payments of \$140 a week. This \$450 a week in tax free income replacement benefits equals the weekly "take home" pay for someone earning about \$30,000 per year. Those who require greater income coverage will be able to purchase such additional layers from their insurer.

The insurance industry has recommended for many years a total no-fault auto insurance system. The Ontario government's proposed insurance reforms under the OMPP are for a limited form of no-fault insurance, but the insurance industry supports the OMPP in that it will moderate prices, speed up payments to injured accident victims, be fairer to all those injured in automobile accidents than the current system, and continue to deter bad drivers through increased fines, penalties on drunk drivers, and premium surcharges.

I would urge members of your Council, and by way of copies of this letter to the Minister of Municipal Affairs and other Municipalities, to read the enclosed pamphlets on the proposed OMPP before giving any further consideration to making any recommendations on this issue.

Yours very truly,



John L. London
President

JLL/cg

cc. All Ontario Municipal Governments ✓
The Hon. John Sweeney, Minister of Municipal Affairs
The Hon. Murray Elston, Minister of Financial Institutions

Canada

K90

Accident victim pleas for change to insurance system

\$560 cheque worth less each month

By Bruce Ward
Citizen staff writer

Disabled accident victims will live "a more bearable life" under Ontario's proposed no-fault auto insurance plan, a legislative committee heard Wednesday.

Eric Van Camp told the committee he scrapes by on \$560 a month in insurance benefits since he broke his neck in a 1979 accident.

"You may think that \$560 is a lot of money to do nothing, but you are sadly mistaken," said the 34-year-old Van Camp.

He's confined to a wheelchair but lives on his own in Kingston.

"I have all the expenses of normal people, plus excessive drug bills . . . As time goes on, this amount of money buys less and less. How can you live with dignity if you don't have the means to do it?"

The no-fault insurance plan, which the province hopes to have in place this spring, gives accident victims automatic benefits of up to 80 per cent of gross wages to a maximum of \$450 a week.

"I see no-fault as a giant leap forward," Van Camp said.

"It would enable disabled people to have a more bearable life, an independent lifestyle and freedom from financial distress."

But an Ottawa doctor warned

the no-fault plan could shift responsibility from the courtroom to the medical clinic.

"The practice of medicine is stressful enough without protracted and prolonged discussions with patients about certain requirements to go to court," said Dr. Andrew Pipe, representing the Medical-Legal Society of Ottawa-Carleton.

The no-fault plan will cut off the right of at least 90 per cent of accident victims to sue for extra damages.

Only those who are seriously and permanently injured or disfigured, as well as families of those who die in accidents, will be able to seek damages in court.

Pipe said no-fault could "manipulate doctors into being gatekeepers for the system."

The government's plan won mild praise from the chairman of Ontario's 1986 task force on insurance.

David Slater, now a visiting fellow at Queen's University, said no-fault would give consumers "a better product" with "significant improvements" while "keeping premiums from going sky-high."

But he predicted the maximum \$450 in weekly benefits would force people earning more than \$30,000 to buy extra insurance to protect themselves.

February 9, 1990

MEMORANDUM TO FCM MEMBER MUNICIPAL COUNCILS

1. RADIO LICENCE FEES

Enclosed with this memorandum is one copy of an FCM brief on Radio Licence Fees which will be presented to the Federal Minister of Communications and the President of the Treasury Board.

FCM President George Ferguson requests that your Council members bring this brief to the attention of Members of Parliament representing your region, and discuss with them the impact of the proposed increase in radio licence fees on municipal communications and public safety.

FCM also requests members to provide the Secretariat with information on the impact of the proposed increase on their municipal budgets and operations.

2. OFFICIAL LANGUAGES CONTROVERSY


Also enclosed for distribution to each member of Council, the Chief Administrative Officer and the Clerk are copies of an FCM communiqué on bilingualism. This communiqué reaffirms FCM's position on the use of Canada's two official languages.

This communiqué has been distributed to national media. The FCM Executive Committee invites member Councils to bring the FCM statement to the attention of local media.



Sheila Keating-Nause
Director, Communications

Enclosures



Federation of
Canadian
Municipalities
Fédération
canadienne des
municipalités
24, rue Clarence Street
Ottawa, Ontario K1N 5P3
(613) 237-5221
Fax/Télécopieur: (613) 237-2965
Envoy 100: FCM.ADMIN
Telex: 053-4451
International Office/
Bureau international (613) 563-3506

His Worship George F. Ferguson
Abbotsford, British Columbia
President
Président

Councillor Ray O'Neill
St. John's, Newfoundland
First Vice President
Premier vice-président

Councillor Doreen Quirk
Markham, Ontario
Second Vice President
Deuxième vice-présidente

Son honneur Margaret Delisle
Sillery (Québec)
Third Vice President
Troisième vice-présidente

Vacancy siège vacant
Past President
Président sortant

James W. Knight
Executive Director
Directeur général

FCM

BRIEF TO THE MINISTER OF COMMUNICATIONS AND THE PRESIDENT OF THE TREASURY BOARD

REGULATORY AMENDMENTS TO RADIO LICENCE FEES

FROM THE FEDERATION OF CANADIAN MUNICIPALITIES

FEBRUARY 5, 1990



Federation of
Canadian
Municipalities
Fédération
canadienne des
municipalités

24, rue Clarence Street
Ottawa, Ontario K1N 5P3
(613) 237-5221
Fax Télécopieur: (613) 237-2965
Envoy 100: FCM:ADMIN
Telex: 053-4451
International Office
Bureau international (613) 563-3506

His Worship **George F. Ferguson**
Abbotsford, British Columbia
President
Président
Councillor **Ray O'Neill**
St. John's, Newfoundland
First Vice President
Premier vice-président

Councillor **Doreen Quirk**
Markham, Ontario
Second Vice President
Deuxième vice-présidente
Son honneur **Margaret Delisle**
Sillery (Québec)
Third Vice President
Troisième vice-présidente

Vacancy siège vacant
Past President
Président sortant
James W. Knight
Executive Director
Directeur général

THE FEDERATION OF CANADIAN MUNICIPALITIES POSITION ON THE
AMENDMENTS TO THE REGULATIONS ON RADIO LICENCE FEES

A TAX ON PUBLIC SAFETY

On December 15, 1989, Treasury Board President Robert de Cotret announced regulatory amendments affecting radio licence fees, which were subsequently published in the January 6 issue of Canada Gazette. These amendments would impose a massive new tax on tools to protect public health and safety.

In recognition of their non profit, public service responsibilities, municipalities are now charged a flat fee of \$236 for one base station regardless of the number of radio units. Shifting to a fee schedule based on the number of radio units and imposing commercial rates will increase the cost in excess of several thousand percent for some municipalities ¹. The increase is both unconscionable and extremely inflationary.

1. The City of Edmonton reports that its fees will jump from \$2,654 to \$135,624 for an increased 5110%. The City of Calgary estimates that the fees will go from \$2,500 to \$250,000, an increase of 10,000%.

The government's intent is to treat public and private users on the same basis. While claiming to remove the last «inequity» so that all radio licence holders share the cost of managing the radio frequency spectrum, the government is in fact creating an "injustice" by imposing a massive tax increase on the delivery of essential emergency services by local governments.

While private users are in business to make a profit, municipalities exist exclusively as a public service to provide for the well-being of citizens through fire protection, ambulance services, police services and public works crews.

These increased fees represent additional costs to all emergency services including the 911 service. The proposal amounts to a tax on the tools used by the police to combat violent crime and drug use, and by ambulance drivers, paramedics and fire fighters to save lives and protect property.

The federal government should be thoughtful of the full range of public services affected by its proposal. Radio systems are essential for public transit and public works. Public transit is an environmentally-friendly method of

moving people. Since the environment is a priority for the government, it is counter-productive to penalize transit by taxing radio systems vital to its efficiency. And radio systems allow better use of municipal equipment for snow removal, de-icing, road repair and emergency response to accident sites.

The Canada Gazette states that one of the objectives of these amendments would be to rationalize the narrow band of radio frequencies used by municipalities. The FCM has no quarrel with rationalization. But we cannot accept the mechanisms the government has chosen: massive and immediate fee increases. Through consultation, the government could have sought a more creative and less damaging way of achieving its objectives. The FCM would welcome discussions on how rationalization of spectrum usage can be achieved by other means.

We take exception to the government's claim that the increases in licence fees for municipalities will not be onerous. In municipal currency, millions of dollars matter a great deal. The percentage increases are unconscionable and the dollar values significant.

These massive increases come at a time when federal pressures on municipal budgets have never been greater.

Increases to the Federal Sales Tax on goods used in municipal operations, increases to excise taxes on petroleum products, more frequent remittances of source deductions on municipal payrolls and changes to the Unemployment Insurance provisions impacting municipal social assistance costs have all taken a heavy toll on municipalities' ability to serve their taxpayers. In percentage terms, the proposal on radio licence fees is the most extraordinary, and in real terms, the least justified. It will diminish the levels of safety and security in our communities.

The federal government responded positively to similar arguments from FCM only three years ago. In 1987, the former Minister of Communications, the Honorable Flora MacDonald, agreed with the municipal position on this issue. Why are there changes being made now, without consultation ?

Owing to the essential and emergency nature of the services affected, the Federation of Canadian Municipalities insists on the maintenance of the current fee levels. However, we express our willingness to enter into negotiations with federal officials respecting rationalization of spectrum usage and related matters with a view to finding solutions by means other than those recently proposed by Mr. de Cotret.



FCM

Federation of
Canadian
Municipalities

Fédération
canadienne des
municipalités



COMMUNIQUE

February 8, 1990

FOR IMMEDIATE RELEASE

STATEMENT ON OFFICIAL LANGUAGES CONTROVERSY

Recent discussions about the delivery of municipal services in both official languages have occasioned much controversy. The ensuing debate has done little to clarify established practices and accepted realities.

At successive annual conferences of the Federation of Canadian Municipalities, Canada's municipal leaders have affirmed with unanimity their belief in the bilingual character of Canada. As a result of these affirmations, FCM has assisted those municipalities wishing to provide bilingual services by providing practical guidelines. A booklet entitled At Your Service...In Both Official Languages was distributed to all FCM members in 1989.

As a voluntary guideline, FCM has suggested that where the minority language population reaches 10%, or where there is a group of 5,000 or more minority language citizens, municipalities may wish to give consideration to providing some level of service in the other official language.

Ontario's French Language Services Act (Bill 8), relates to provincial government services and imposes no obligation on Ontario municipalities to deliver services in French, regardless of the size of the minority language population. Nevertheless, many Ontario municipalities do offer French language services. The municipalities highlighted in recent media reports are not among the towns and cities located in areas designated in Bill 8 for the purpose of bilingual provincial services.

In Quebec, municipalities are obligated to offer services in French, but may choose to offer services in English too, depending upon the demand. Many Quebec municipalities do provide English services. There is nothing in Quebec's Bill 101 to prevent any Quebec municipality from delivering services in English.

The situation in New Brunswick is similar to that in Ontario, with municipalities effectively having the authority to deliver their services in whatever language or combination of languages they choose.

Only in the case of the City of Winnipeg is there an obligation for a municipality (under the City of Winnipeg Act) to deliver certain services in both official languages.

The reality of Canadian demographic circumstances is such that most municipalities do not have a sufficiently large minority language population to make the delivery of services in the minority language a practical possibility. Affirmations of unilingualism tend to do little more than restate local realities and therefore are without effect or practical consequence.

The FCM policy on official languages in Canadian municipalities states that "all Canadians and Canadian institutions and especially our three orders of government, should act with tolerance, civility, amity and generosity throughout Canada with regard to official language rights". It is the experience of FCM that Canadian municipalities have acted in and will continue to act in this fashion.

For further information, please contact:

FCM Secretariat
(613) 237-5221

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its SIXTH Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Holland Chev Olds, Burlington, in the amount of \$19 992.96 for the purchase of one (1) Full Size Station Wagon for the Hamilton Fire Department to replace unit No. 1676, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of four (4) tenders received. Funds provided in Vehicle Replacement Account No. CH5X502 00101.

2. That a purchase order be issued to Hamilton Motor Products, Hamilton, in the amount of \$15 251.76 for the purchase of one (1) Full Size Van Style Body Truck for the Hamilton Fire Department to replace unit No. 1675, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of six (6) tenders received. Funds provided in Vehicle Replacement Account No. CH5X502 00101.

3. That a purchase order be issued to Hamilton Motor Products, Hamilton, in the amount of \$72 047.88 for the purchase of three (3) Commercial Vehicles for the Hamilton Fire Department to replace units Nos. 1667, 1677, 1678, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of five (5) tenders received. Funds provided in Vehicle Replacement Account No. CH5X502 00101.

4. That the request of Miller Thomson, Barristers & Solicitors, who act on behalf of an environmental group, for permission to the use of the name "Hamilton" in the proposed incorporation of a non-profit organization for "Hamilton Environmental Action Team", be approved.

NOTE: This group wishes to be involved with various environment issues in Hamilton, including efficient methods of recycling, public information regarding environmental matters, appropriate waste disposal, and so forth.

5. That the request of the Hamilton Region Conservation Authority for permission to use Room 233 to hold a public meeting on Thursday, 1990 April 5 at 7:30 o'clock, p.m., be approved.
6. (a) That effective 1990 May 31, the City terminate the lease with the Region of premises at 125 Barton Street West, Central Services Building, presently occupied by the Regional Waterworks Maintenance Division, and that the annual rental of \$67 075 charged to the Region be adjusted accordingly on a pro-rata basis to reflect the Region vacating the space on this date.

(b) That the City Solicitor be authorized to amend the City/Regional Master Lease Agreement accordingly.

NOTE: In adopting Item 3 of the SIXTEENTH Report of the Finance Committee, City Council on 1988 November 8 approved the renewal of the City/Regional Master Lease Agreement.

Included in the agreement is the lease of space at 125 Barton Street West (Central Services Building) for the Waterworks Maintenance Division. This division is moving into Regional facilities at 489 Victoria Avenue North and no longer requires the City's space.

The lease agreement calls for the provision that the Region could upon 90 days notice terminate any portion of the Master Lease. The Property Department has received said notice from the Engineering Department.

7. That the additional City's Share of Services to be installed in "Modified Subdivision Agreement - Courtland Avenue and Stone Church Road West" in the gross amount of \$3 700 as approved by City Council on 1990 February 13 on the recommendation of the Finance and Administration Committee, be financed from the Reserve for City's Share of Services through Unsubdivided Lands.
8. That the Selection Procedure for the hiring of Department Heads be amended to include:
 - (i) the Mayor on the Selection Committee,
 - (ii) appointment of additional members by the Finance and Administration Committee, for appointment of positions under the jurisdiction of the Finance and Administration Committee, and
 - (iii) all Council Members to be invited to attend such meetings.

9. That the Summary Report attached hereto as Appendix "A" containing a listing and amounts of approved Settlement of Claims, be received.
10. (a) That the Finance and Administration Committee be designated to be the "Head" for purposes of Bill 49 "An Act to Provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards", and that the City Solicitor be directed to prepare a by-law to give effect to this designation.
- (b) That the Finance and Administration Committee delegate its authority under Bill 49 to a "Freedom of Information and Privacy Coordinator".
- (c) That Mr. S. G. Hollowell, Manager, Records Division, City Clerk's Department, be appointed Freedom of Information and Privacy Coordinator.
- (d) That a Coordinating Committee comprised of the Freedom of Information and Privacy Coordinator and a senior manager from each civic department be established to prepare the City of Hamilton for implementation of Bill 49.

NOTE: The Municipal Freedom of Information and Protection of Privacy Act, 1989 comes into effect on 1991 January 1. The Act affects municipalities and local boards, agencies and commissions, and will require substantial preparation prior to its implementation. The purposes of the Act are to provide a right of access to information under the control of institutions and to protect the privacy of individuals with respect to personal information about themselves held by institutions.

11. (a) That an Offer to Purchase executed by Joseph T. Radigan, James R. Radigan, Mary Luella Radigan and Paul Joseph Radigan, dated 1990 February 15 and scheduled for closing on or before 1990 April 24, for the purchase of the property at 181 Jackson Street East, be approved and completed.
- (b) That upon finalization of this transaction, the Regional Surveyor be directed to take the necessary action to incorporate the land being retained for road widening purposes into the road allowances of Jackson Street East and Ferguson Avenue South.

NOTE: The subject property has a frontage along the northerly limit of Jackson Street East of 32.2 feet (more or less), containing 1 636 square feet (more or less) with the exact area to be determined by a survey prepared by the Regional Surveyor. The purchase price of \$57 260 (subject to adjustments pursuant to the completion of a survey) is to be credited to Account No. CH4X501 00102. A certified deposit cheque in the amount of \$5 700 is being held by the City Treasurer pending approval of this transaction.

12. That the following resolution from the City of Peterborough recommending that the impact of the reductions in unconditional grants be identified and measured against the rate of inflation as a special levy over and above the City's tax requirements, be endorsed:

WHEREAS the Federal Government is attempting to deal with debt and deficit problems by reducing transfer payments to Provincial Governments;

AND WHEREAS the Ontario Provincial Government is responding, in turn, by restraining unconditional grant payments to municipalities;

AND WHEREAS the Ontario Provincial Government is at the same time mandating additional responsibilities to municipalities with no related funding support;

AND WHEREAS the City of Peterborough has either to implement significant program and service reductions, or pass on the cost of Provincial revenue shortfalls to municipal taxpayers;

THEREFORE BE IT RESOLVED THAT The City of Peterborough identify the impact of Provincial revenue measured against the rate of inflation as a special levy over and above the City's 1990 annual tax requirements;

AND that this approach be recommended to future council's for their consideration;

AND FURTHER, that a copy of this resolution be sent to all municipalities over 25,000 population, and to the Association of Municipalities of Ontario.

13. That the correspondence from Mr. Brian Dowd, Ontario Public Service Employees Union, Local 207, dated 1989 December 15, requesting an opportunity for the Ambulance Division Committee to make a presentation to City Council regarding issues on ambulance service, be received.

14. That leave be granted to introduce the following Bill:

(a) Bill A-8 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary
1990 February 22

FINANCE COMMITTEE

SUMMARY OF APPROVED SETTLEMENT OF CLAIMS

<u>PLAINTIFF</u>	<u>DEFENDANT</u>	<u>NATURE OF CLAIM</u>	<u>AMOUNT OF SETTLEMENT</u>
Mrs. Restauri	City of Hamilton	Motor Vehicle Accident 1988 July 1	Adjusting Assessable Disbursement Amount of \$125.00
Connie McKay	City of Hamilton	Trip and Fall 1988 July 18	\$ 8 500.00

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its THIRD Report for 1990 and respectfully recommends:

1. That 603979 Ontario Ltd. (Dan Valentini - Taro Homes) be authorized to include the City owned 1' Reserve located on the east side of Acadia Drive in its applications for registration of its own land into the Land Titles System.

NOTE: The subject reserve is part of Lot 9, Concession 8 in the City of Hamilton and shown as Part 14 on Plan 62R- prepared by A. J. Clarke and Associates Ltd., January 11, 1990.

2. That the City Solicitor be authorized and directed to prepare a By-law to incorporate certain City lands into various streets, as described in Schedule "A" appended hereto.

3. That the Service Agreement, dated December 17, 1962 between the City of Hamilton and Ryckman's Corners Enterprises Limited for lands on the east side of Upper James Street, municipally known as 1565 Upper James Street, be discharged as it is no longer required.

NOTE: This Service Agreement was entered into for the purpose of conveying specific lands to a Stanley Boyce and Olga Boyce and servicing the said lands.

As this Agreement is no longer required, the solicitors acting on behalf of the purchaser, (DiCenzo Construction Company) wish to clear the property title.

4. That the local Approvals Branch of the Ministry of the Environment (MOE) be informed that:

- (a) The City of Hamilton has no objection to PPM Canada Inc. carrying out PCB decontamination of 3 782 litres of PCB contaminated mineral oil at the Region's Water Pumping Station at 850 Greenhill Avenue Hamilton, provided that all environmental safeguards are implemented to the satisfaction of the Ministry and that all applicable City of Hamilton and Regional By-laws are complied with fully;

- (b) No specific City of Hamilton or Regional permits are required for the work proposed by PPM Canada Inc.
 - (c) If provision has not been made by the MOE to advise the Greenhill Avenue residents of the proposed work to be carried out at 850 Greenhill Avenue, PPM Canada Inc. will carry out the necessary notification of area residents; and
 - (d) The 30 day notification period that is normally required after a Certificate of Approval is issued be waived so that the proposed work can be carried out as scheduled.
- 5.
- (a) That the Regional Municipality of Hamilton-Wentworth and the Hamilton Wentworth Regional Board of Police Commissioners be advised that the City of Hamilton wishes to administer the School Crossing Program effective April 1, 1990; and
 - (b) That area municipalities within the Region other than the City of Hamilton be offered the opportunity to continue participating in the School Crossing Program under the administration of the City of Hamilton in accordance with the financial arrangements previously in place under the direction of the Regional Police Commission; and
 - (c) That the responsibility for administering the School Crossing Program be under the jurisdiction of the Director of Traffic Services; and
 - (d) That the existing Legislative Manager position be retitled Manager of Legislation and School Traffic and that the position of School Crossing Co-ordinator be approved within budget; and
 - (e) That the Director of Property and the Director of Traffic Services be directed to investigate the temporary leasing of the necessary office and storage space (approximately 500 square feet) to accommodate the school crossing administrative staff within budget.

NOTE: The School Crossing Program can be administered by the City of Hamilton Traffic Department in accordance with the 1990 administrative budget approved by the Hamilton-Wentworth Regional Board of Police Commissioners.

In October 1989, the Hamilton-Wentworth Regional Board of Police Commissioners agreed to recommend that the School Crossing Program be transferred to the Region effective January 1, 1990. Regional Council on the recommendation of the Finance and Personnel Committee forwarded this matter to the area municipalities for their information and comments as well as the Regional Engineering Services Committee for a report.

The School Crossing Program currently administered by the Regional Police Department includes the conducting of studies and administration of the Program for the entire Region, including 195 school crossing guards (176 full-time guards and 19 spares) and three supervisors. The assignment of school crossing guards to specific locations is approved and entirely funded by the six area municipalities. The cost to administer the Program is also paid by the area municipalities on a proportional basis to the number of school crossing guards within each municipality.

The Director of Traffic Services has reviewed the Program and proposed budget of \$1 217 450. in detail and has concluded that this Program can be administered by his Department within the proposed budget.

6. That the Chairman or his designate be authorized to attend Canada's National Safety Conference from June 3 to June 5, 1990 in Halifax, Nova Scotia.
7. That leave be granted to introduce the following Bills:
 - (a) B-16 A By-law to Amend Local Improvement By-law No. 10605
Respecting Revised Costs to the Corporation for the
Installation of Local Improvements
 - (b) B-17 A By-law to Incorporate Parts 1 and 2, Plan 62R-10706 and Parts
16 and 18, Plan 62R-9968 into Emperor Avenue

Respectfully Submitted,

J. J. Schatz
Acting Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1990 February 19

njw

SCHEDULE "A"

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason for being Incorporated</u>	<u>File No.</u>
Rupert Court	Part 1, Plan 62R-10882	(NIL)	To provide access from Rupert Court (as est'd by By-Law No. 88-73) to Rupert Court, Plan 62-588	S701-48
Quincy Court	Block 19, Plan 62M-471 (excepting Parts 4 & 5 Plan 62R-8468)	(NIL)	To provide access from abutting lands to and from Quincy Court (as est'd by Plan 62M-471)	S717-07

Schedule "A" as
referred to in Section 2
of the THIRD Report of
the Transport and
Environment Committee

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its THIRD Report for 1990 and respectfully recommends:

1. That a purchase order be issued to Delmar Contracting Limited, Fruitland, in the amount of \$28 935. for the supply and installation of concrete abutments for the Bow Valley Pedestrian Bridge, in accordance with vendor's quotation.

NOTE: Lowest of three (3) quotations received. Funds provided in Bow Valley Pedestrian Bridge Account No. CH56398 62910.

2. (a) That approval be given to continue the lease agreement between the City of Hamilton and Her Majesty the Queen in right of Canada represented by the Minister of the Environment (National Water Research Institute) for the use of City lands lying immediately east of 57 Beach Boulevard from 1988 December 31 to 1991 December 31 subject to either party having a right to terminate the agreement on thirty days notice.

(b) That the City Solicitor be directed to finalize this agreement.

NOTE: This agreement covers the use of City owned lands lying immediately east of 57 Beach Boulevard. The lands are to be used to maintain a trailer on the side for the purpose of conducting a beach erosion study to better understand wave and coastal processes in Lake Ontario. The lease amount is \$1.00.

3. (a) That the Hamilton Harbour Commission's Marina Expansion Concept, attached herewith and marked Appendix "A" as presented to the Parks and Recreation Committee at its meeting held 1989 December 5, subject to the completion and approval of the Federal Environmental Assessment process, be endorsed.
- (b) That, subject to the Hamilton Harbour Commission's Marina Expansion Concept receiving Environmental Assessment approval, the City Solicitor's Department be directed to prepare an easement agreement to allow the Hamilton Harbour Commission access over City lands, as illustrated on the Plan, attached herewith and marked Appendix "B", for the construction and maintenance of the "public landscaped breakwater".
- (c) That staff of the Community Development and Public Works Departments be authorized to prepare a development concept plan for Pier 4 Park in conjunction with the Hamilton Harbour Commission's Marina Expansion Concept, the 1985 Waterfront Master Plan, the Marshall Macklin Monaghan concepts prepared to date and subject to the Action Plan attached herewith and marked Appendix "C".
- (d) That construction of the proposed public boat launch on the Hamilton Waterfront be initiated no later than the Spring of 1991 to ensure full facility operation for the 1991 boating season and to facilitate a full review of the Boat Launch Action Plan, attached herewith and marked Appendix "D".

Respectfully Submitted,

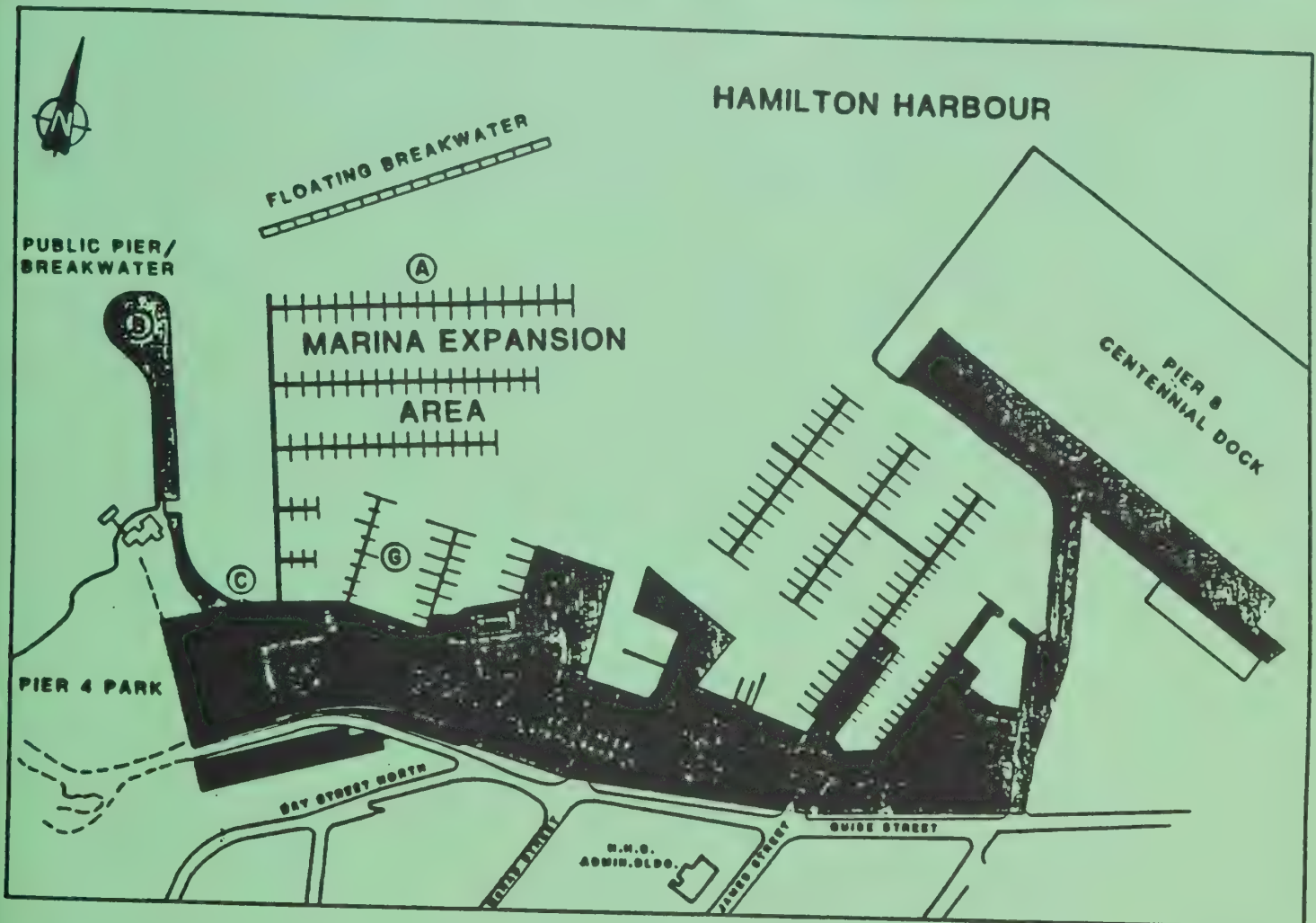
ALDERMAN T. MURRAY, CHAIRMAN
PARKS AND RECREATION COMMITTEE

Susan K. Reeder, Acting Secretary
1990 February 20

mjlw

MARINA EXPANSION CONCEPT

HAMILTON HARBOUR



Area Designation

Activity

Function

(A) Marina	Pleasure craft	Approximately 316 new slips phased to market demand.
(B) Public Pier / Breakwater	Public viewing and and fishing pier	Passive recreational, fish habitat enhancement.
(C) Sailing Area	Scullers and HHC Sailing School	Protected zone for launch and sail activities.
(D) Leander Boat Club	Sculling, social events, HHC Sailing School	Relocated sailing school from Pier 8.
(E) Dry Sail Compound	Small boat storage	Secure fenced area for boat storage.
(F-1) Car Parking	Common parking	Parking for approximately 270 cars.
(F-2) Car Parking	Overflow parking	For public pier and Pier 4 park.
(G) Existing HYC Boat Slips	Pleasure craft	To be replaced with new slips in future.

Appendix "A" as referred to in Section 3 of the THIRD Report for 1990 of the Parks and Recreation Committee

THE HAMILTON HARBOUR COMMISSIONERS'
MARINA EXPANSION CONCEPT
HAMILTON HARBOUR

INFORMATION SHEET

The Commissioners operate the only full service marina facility in the western end of Lake Ontario. The existing marina consists of 235 small craft slips with an additional 90 offshore mooring cans. The Commissioners have operated its recreational boating marine dockyard facility for over 50 years. The last slip expansion was in the early 1970's and there is annually a waiting list for their use.

The proposed marina expansion will not only add more slips to serve the boating public but will co-ordinate and rationalize a number of related waterfront uses requiring access and use of the marina. These uses are the Commissioners marine dockyard and sailing school, the facilities of the Hamilton Yacht Club, the Leander Club and the Pier 4 Park. It is anticipated that proposed development will have a positive affect on each of these activities and will act together to increase the overall attraction and use of this waterfront area.

1. Infrastructure

a) Public Pier/Breakwater

- rubble mound breakwater
- width - 15 m to 45 m (50 ft. to 150 ft.)
- length - 145 m (475 ft.)
- public access from Pier 4 park
- major features include wave break, public access, fishing opportunities, fish habitat, tours and transient boating.

b) Floating Breakwater

- 210 m (700 ft.) floating breakwater
- timber and steel pipe floats anchored into position
- navigational lighting.

c) Marina

- 228 additional berths
- consists of fixed and floating walkways
- fixed walkway
 - 210 m long x 3 m wide (700 ft. x 10 ft.)
 - parallel and distant 61 m (200 ft.) to public pier/breakwater
- floating walkways
 - 60 modules providing 4 berths each
 - modules arranged to provide 5 floating walkways of varying length
 - fully serviced - water, power, telephone

Schedule 'B'

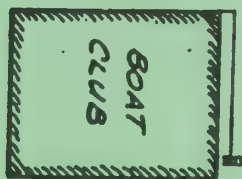
PIER 4 PARK

Appendix "B" as referred
to in Section 3 of the
THIRD Report for 1990
of the Parks and
Recreation Committee



LEANDER

DRIVE



FLOATING DOCK

APPROXIMATE AREA OF
LANDS REQUIRED FOR
ACCESS EASEMENT FOR
CONSTRUCTION AND MAIN-
TENANCE OF PUBLIC
BREAKWATER.

SITTING
AREA

Pier-4 Park Development
Action Plan

Appendix "C" as referred
to in Section 3 of the
THIRD Report for 1990
of the Parks and
Recreation Committee

Objective: Develop a Concept Plan for Pier-4 Park which recognizes the "best use" potentials for the site in conjunction with the:

- Harbour Commission's Marina Expansion Proposal
- 1985 Waterfront Master Plan
- Market, Financial, Conceptual and Management Study
- Provincial Environmental Assessment Study

The development concept will integrate desirable components from the above noted sources without adversely affecting the:

- ongoing Environmental Assessment process
- Marshall Macklin Monaghan Study
- committed Provincial funding
- overall Waterfront Development Plans, yet to be finalized

Specific design consideration and investigations shall include, but not be limited to, the following:

- a) Investigate soil conditions on Pier-4 Park to ensure landfill material is satisfactory in regard to Provincial Environmental guidelines.
- b) Investigate the full range of public uses both summer and winter, best suited to Pier-4 Park, in context with the implications of the Harbour Commission's Marina Expansion Concept and the 1985 Waterfront Master Plan and Marshall Macklin Monaghan Study.
- c) Co-ordinate shoreline protection treatment and fish habitat enhancement with Harbour Commission's plans and Environment Canada.
- d) Co-ordinate landscape and design details with Harbour Commission's plans to blend and unify the separate developments.
- e) Determine parking requirements, traffic flow and access to adequately service proposed facilities and integrate with future waterfront plans.
- f) Determine best alternatives for accommodating various community service clubs currently leasing space in Pier-4 Park, i.e. potential for integrating 'Y's Sailing Club, Boy Scouts and Hamilton Harbour Commission's Sailing School into the Leander Building as per 1985 Master Plan.
- g) Investigate feasibility of relocating "Macassa Bay" tour boat to proposed tour boat designated area on Hamilton Harbour Commission's proposal.
- h) Investigate impact of proposals upon adjacent land users.

- 1) Determine maintenance requirements and other associated costs. *
- j) Establish a planning and reporting schedule to identify "critical path" and requirements for updating appropriate committees of Council.
- k) Establish a work schedule and details to maximize potential to complement Hamilton Harbour Commission's plans and schedules including opportunities to lessen overall development period and unit costs for construction.
- l) Investigate potential funding sources i.e. -
 - Existing Parks Development Budget (1990 - \$90,000.00)
 - Provincial and Federal Funding
 - Waterfront Capital Budget
 - Joint funding on Hamilton Harbour Commission and City facilities

BOAT LAUNCH ACTION PLAN

Development of a public boat launch on the Hamilton Waterfront is desirable due to:

- accessibility to many residents
- peaceful area of Hamilton Harbour for pleasure craft launching
- maintaining accessibility of the Bayfront to the boating public.

While the immediate development of a launch facility may be desirable to encourage public use, launch facilities currently in operation on the Hamilton Harbour including: - the Harbour Commission launch adjacent to the canal
- the 2 launches operated by the City of Burlington at LaSalle Park (as indicated on the attached map).

appear capable of handling the current demand levels. On this basis, a delay in construction of the Hamilton public launch facility to allow a review of the following areas of study, is considered reasonable.

- 1) Investigate soil conditions at potential launch sites to ensure landfill material is satisfactory in regard to Provincial Environmental guidelines.
- 2) Investigate the need and usage anticipated for this facility to determine the number of parking spaces required, and size of the facility required.
- 3) Review the options for launch supervision and boat launching charges.
- 4) Investigate the impact of the proposal on adjacent land users including vehicular traffic flow implications upon residential areas and boating traffic impact upon existing boating operations. Such as:
 - Hamilton Bay Sailing Club
 - Ernie Cableau's Macassa Bay Tour Boat
 - Boy Scouts
 - Leander Boat Club
 - Scott McDonald's Marina
- 5) Investigate the full impact of a boat launch facility within Pier-4 Park upon all other uses for the Park site including
 - a cost/benefit review of utilizing the limited available park land for parking and interior roadways which would service boaters and their vehicles who require only an access point to reach the water not access to the park land itself.
- 6) Determine the best location for constructing a permanent launch facility including
 - sites currently occupied by the Boy Scouts
 - sites outside the boundaries of Pier-4 Park
- 7) Determine maintenance requirements and other associated costs.

- 8) Investigate potential sources of funding such as the Federal Ministry of Oceans and Fisheries, Small Craft Harbours Branch.
- 9) Co-ordinate the launch facility studies with any and all related Pier-4 Park Master Plan Development activities.



REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its FIFTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:
 - (a) 1500 Upper Ottawa
 - (b) 1514 Upper Ottawa
 - (c) 1522 Upper Ottawa
 - (d) 1489 Upper Gage
 - (e) 1491-1495 Upper Gage
2. (a) That, the Commercial Improvement Programme Selection Criteria, as shown on the attached marked as Appendix "A", be amended to include a stipulation requiring that a B.I.A., to be eligible under the Programme, must have an annual operating budget with levies averaging not less than one hundred dollars (\$100.) per member per year; and,
 - (b) That, the Commercial Facade Loan Programme eligibility requirements be amended to stipulate that the member B.I.A. for each application must have an annual budget with average levies of one hundred dollars (\$100.) each per year per member.
3. That a repayable loan, in the amount of forty-five thousand dollars (\$45,000.) be approved under the Commercial Facade Loan Programme for 283-285-287 King Street East, Agommen Ltd., c/o A. Ammendolia, M. Nusca, G. Piccini and F. Zanette. The interest rate will be 6-1/2 percent, amortized over 10 years.
4. That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owners, Aiden Tuite, William Pickard, Luigi Centurami and 441138 Ontario Limited, of Lot 38, Plan M-227, 175 Nebo Road to release the property from the construction covenants to the City as contained in Deed Instrument #226207 L.T. Registered 1988 June 15.

5. That the City Solicitor be authorized to prepare a Quit Claim Deed for the City of Hamilton to the present owner, R. G. Duffie Contracting Ltd. of 15 Goderich Road, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument #382500 C. D. Registered on 1986 October 8.
6. That Section 12 of the 16th Report for 1988 of the Planning and Development Committee as approved by City Council on 1988 July 26, be further amended as follows:
 - (a) That the Offer to Purchase agreement dated 1988 June 17, be amended by adding the following clause:

"Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder".
 - (b) That the Purchaser's solicitor must prepare all necessary agreements and deeds subject to the approval of the City Solicitor.
 - (c) That any costs incurred by the City in this regard will be borne by the Purchaser.
7. That Section 8 of the 17th Report for 1989 of the Planning and Development Committee as approved by City Council on 1989 July 25, be further amended as follows:
 - (a) That the Offer to Purchase agreement dated 1989 June 20, be amended by adding the following clause:

"Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder".

- (b) That the Purchaser's solicitor must prepare all necessary agreements and deeds subject to the approval of the City Solicitor.
 - (c) That any costs incurred by the City in this regard will be borne by the Purchaser.
8. That approval be given to Proposed Draft Plan of Condominium Application SA-89-23, "Robinson Place", John Bruce Robinson Construction Ltd., owner, to establish a draft plan of condominium located at the south-west corner of Bigwin Road and Pritchard Road, subject to the following conditions:
- (a) That this approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1989 September 27.
 - (b) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.
9. That approval be given to Proposed Draft Plan of Condominium Application SA-89-24, "Bentley Place", Branocon (Hamilton) Ltd., owner, to establish a draft plan of condominium located at the north-east corner of Jackson Street West and Caroline Street South, subject to the following conditions:
- (a) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1989 August 29.
 - (b) That the owner satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.
10. That approval be given for Proposed Draft Plan of Condominium Application SA-89-27 by "Kingsmount Place Properties I Inc.", owner, to establish a draft plan of condominium located on the north-west corner of Broughton Avenue and Grayrocks Avenue, subject to the following conditions:
- (a) That this approval apply to the plan prepared by J. D. Barnes Limited dated 1989 October 10, showing 33 Townhouse Units.
 - (b) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

11. (a) That approval be given to the "Intent to Designate" the single-family dwelling at 33 Undermount Avenue as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983 as outlined in the "Reasons for Designation" attached herewith and marked as Appendix "B"; and,
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

NOTE: L.A.C.A.C. is recommending approval of this designation in response to a written request for designation from the owners of the house.

12. That approval be given to amended Zoning Application 89-117, J. Peace, owner, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified (Block "1"), and "C" (Urban Protected Residential, etc.) District (Block "2") to recognize the existing two-family dwelling (Block "1") and to permit the development of the remaining lands for single-family dwellings (Block "2"), for the property located at 322 Mount Albion Road, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That Blocks "1", "2" and "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 9(1), the following additional residential use shall be permitted:
 - (1.) The two family dwelling existing on the date of the passing of the By-law;
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1162, and the subject lands on Zoning District Map E-88 be notated S-1162;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-88 for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan of the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District modified (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2"), for the property located at 322 Mount Albion Road.

In addition, a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "3") is provided for the remnant parcel of land at the south end of 316 Mount Albion Road.

The effect of the by-law is to recognize the existing two-family dwelling (Block "1"), to permit the development of the remaining lands for single-family dwellings (Block "2"), and to establish uniform zoning across the property at 316 Mount Albion Road (Block "3").

13. (a) That approval be given to Proposed Draft Plan of Subdivision Application SA-89-29, Henry Young, prospective owner, to establish a draft plan of subdivision on the west side of Mount Albion Road south of Kingswood Drive, subject to the following conditions:
- (i) That approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated 1989 October 30, showing 15 lots, one block (Block "16") for development with adjacent lands and revised to show a 0.3m reserve (Block "17") along the open side of the road allowance.
 - (ii) That the street be dedicated to the City of Hamilton as public highway on the final plan.
 - (iii) That the street be named Glen Forest Drive.
 - (iv) That the final plan conform to the zoning by-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
 - (viii) That Block "16" be developed in conjunction with abutting lands.

- (ix) That the open side of the road allowance be terminated with a 0.3m reserve (Block "17") to be conveyed to the City of Hamilton and be held by the City until required for development of the adjacent lands.
 - (x) That the street align with the existing streets to the north and south.
 - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-29), Henry Young, prospective owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
14. That approval be given to Zoning Application 89-118, John Bellfontaine, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at 335 Rymal Road East, as shown on the attached map marked as Appendix "D", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D for presentation to City Council;
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at 335 Rymal Road East.

The effect of the By-law is to permit development of the rear part of the subject lands for single-family detached development.

15. That approval be given to Amended Zoning Application 89-121, Gerald and Alice Mulligan, owners, and Ann Kowalchuk, lessee, for a further modification to the established "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit three dwelling units and a gift shop, for property located at 1035 Main Street East, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11A of Zoning By-law No. 6593, as amended by By-law No. 81-187, applicable to the subject lands, be modified to include the following variances as special provisions:

(i) That notwithstanding Section 11A(1)(iii) of Zoning By-law No. 6593, a gift shop shall also be permitted;

(ii) That notwithstanding Section 19(iii) of Zoning By-law No. 6593, the dwelling unit occupying the first floor of the existing building shall have a minimum floor area of 45 m²;

(iii) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, each required parking space shall have a minimum width of 2.6 m (8.5 feet);

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-746a, and the subject lands on Zoning District Maps E-44 and E-45 be notated S-746a;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-44 and E-45 for presentation to City Council; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a further modification to the "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property located at No. 1035 Main Street East.

The effect of the By-law is to permit a gift shop and three dwelling units within the existing building.

In addition, the By-law provides the following as special provisions:

(a) That each of the required four parking spaces shall have a minimum width of 2.6 m (8.5 feet), whereas the By-law requires 2.7 m (8.85 feet); and

- (b) The first floor dwelling unit shall have a minimum floor area of 45 m² (488 square feet), whereas 65 m² (699 square feet) is required.

16. That approval be given to Zoning Application 89-127, Ferrell Builders Supply, owner, for a modification to the "M-12" (Prestige Industrial) District regulations for Block "1", a modification to the "M-14" (Prestige Industrial) District regulations for Block "2", a further modification to the "M-12" (Prestige Industrial) District regulations for Block "3", and a further modification to the "M-14" (Prestige Industrial) District regulations for Block "4", to permit outside storage of materials in conjunction with the building supply store at 1543 and 1549 Rymal Road East (Blocks "3" and "4"), for property located at 1519, 1543 and 1549 Rymal Road East, shown as Blocks "1", "2", "3" and "4" on the attached map marked as Appendix "F", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District and "M-14" (Prestige Industrial) District regulations, as contained in Sections 17D and 17F of Zoning By-law No. 6593 respectively, applicable to Blocks "1", "2", "3" and "4", be modified to include the following variances as special requirements:

- (i) That notwithstanding Table 4 as identified in Section 17D(1)(b) and Section 17F(1)(b) of Zoning By-law No. 6593, the following uses shall be permitted to have an ancillary retail sales area not exceeding 25% of the gross floor area of the building:

<u>SIC Identification Number</u>	<u>Commercial Use</u>
5621	Hardware, Wholesale
5622	Plumbing, Heating and Air Conditioning, Equipment and Supplies Wholesale
5631	Lumber, Plywood and Millwork, Wholesale
5632	Paint, Glass and Wallpaper, Wholesale
5639	Other Building Materials, Wholesale

- (ii) That notwithstanding Section 17D(2)(e)1.(i) of Zoning By-law No. 6593, there shall be provided and maintained a landscaped area in the required front yard having a depth of not less than 12.0 m abutting the street line, except for any area used for access driveways.
- (iii) That notwithstanding Sections 17D(2)(h)(4) and 17F(2)(h)(4) of Zoning By-law No. 6593, the total area used for storage outside of a building or structure shall not exceed 62% of the lot area subject to the following requirements:
 - (1.) That the outside storage area shall be used exclusively for building supplies such as, but not limited to, sand, gravel, concrete block, bricks, lumber, and equipment;
 - (2.) That no stockpile of building supplies located in the outside storage area shall exceed a height of 4 metres;
 - (3.) That Section 18(3)(vi) shall not apply to the outside storage area.
- (iv) That notwithstanding Sections 17D(2)(h)(2) and 17F(2)(h)(2) of Zoning By-law 6593 every side yard or rear yard that is used for outside storage of any material or any equipment shall be screened from external view by the erection and maintenance of a chain link fence not less than 1.5 m in height and not more than 3.0 m in height and a landscaped area with a planting strip having a minimum width of 1.2 m along the side and rear lot lines adjacent to the outside storage area shall be required;
- (v) That notwithstanding Section 17D(2)(h)(1) and 17D(2)(h)(2) of Zoning By-law No. 6593, outside storage shall be permitted in the non-required front yard on Block "1" only, provided that it is screened from external view by a chain link fence not less than 1.5 m in height and not more than 3.0 m in height.
- (vi) That Sections 17D(2)(i) and 17F(2)(i) of Zoning By-law No. 6593 shall not apply.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1163, and that the subject lands on Zoning District Maps E-69D and E-69E be notated S-1163;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-69D and E-69E for presentation to City Council;

- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (e) That By-law No. 86-59 be repealed in its entirety.

NOTE: The purpose of the proposed By-law is to provide for a modification to the "M-12" (Prestige Industrial) District regulations for Block "1", a modification to the "M-14" (Prestige Industrial) District regulations for Block "2", a further modification to the "M-12" (Prestige Industrial) District regulations for Block "3", and a further modification to the "M-14" (Prestige Industrial) District regulations for Block "4", for property located at 1519, 1543, and 1549 Rymal Road East.

The effect of the By-law is to permit additional outside storage of materials (Blocks "1" and "2") in conjunction with the adjoining building supply store (Blocks "3" and "4"). It also allows for not more than 62% of the lot area to be used for outside storage of materials. Presently, outside storage of materials comprising not more than 5% of the lot area for Blocks "1" and "2", and not more than 55% of the lot area for Blocks "3" and "4" is permitted. Further, the By-law permits the retail sale of lumber and building materials in an area not exceeding 25% of the gross floor area of the building.

In addition, the By-law provides for the following special requirements:

- (a) The outside storage area shall be exclusively used for building supplies, such as sand, gravel, concrete blocks, bricks, lumber, and equipment.
- (b) No stockpile of building supplies shall be higher than 4 m, whereas there is presently no limitation on the maximum height.
- (c) The outside storage area may be located in the required side and rear yards instead of having a minimum setback from the side and rear lot lines.
- (d) The outside storage area shall be screened from external view by providing a 1.5 m to 3.0 m high chain link fence and a 1.2 m wide landscaped area with a planting strip along the side and rear lot lines.
- (e) The outside storage area may be located in the front yard on Block "1" only. A minimum 12.0 m landscaped area abutting Rymal Road is required, and a chain link fence between 1.5 m to 3.0 m in height is also required.
- (f) Outside storage and the erection of an industrial building shall be permitted within 90 m of land used solely for residential purposes.

17. That Zoning Application 89-110, Dennis Gordon Le Blanc, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District for property located at 220 Burlington Street East, as shown on the attached map marked as Appendix "G", be DENIED for the following reasons:
- (a) It conflicts with the intent of the Official Plan, in that it represents an intrusion of a 3 family dwelling into an area which is predominantly occupied by single-family dwellings;
 - (b) It would result in the entire front yard being paved over to accommodate the 4 required parking spaces which would detract from the established residential streetscape of the area south of Burlington Street East, and which is prohibited by the Zoning By-law; and,
 - (c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and change the character of the area.
18. That approval be given to Zoning Application 90-01, 815488 Ontario Inc. (Nella Bradt), prospective owner, requesting the removal of the 'H' (Holding) symbol provision for property located at 1489 to 1495 Upper Gage Avenue, under Section 35(1) of The Planning Act, and the City Solicitor be directed to prepare a By-law for submission to City Council for property located at 1489 to 1495 Upper Gage Avenue, as shown on the attached map marked as Appendix "H".

NOTE: The purpose of this By-law is to remove the 'H' holding symbol, for the property located at 1489 to 1495 Upper Gage Avenue. The holding provision prohibits the development of the lands until the installation of all such municipal sewers as the City deems necessary. In this regard, municipal sewers are available to service the subject lands.

The effect of the By-law is to permit the development of the subject lands for a 32 unit apartment building in accordance with the "DE-3" (Multiple Dwellings) District. The By-law also allows, as a special provision, a maximum building height of four storeys.

19. That leave be granted to introduce the following Bills:

- (a) Bill D-27 A By-law to amend Zoning By-law No. 6593 respecting lands located at the rear of Municipal No. 1285 Upper Gage Avenue fronting on Queen Victoria Drive.
- (b) Bill D-28 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 244 Stone Church Road West.
- (c) Bill D-29 A By-law to amend Zoning By-law No. 6593 respecting lands located on the east side of Upper Sherman Avenue, north of Limeridge Road East.
- (d) Bill D-30 A By-law to amend Zoning By-law No. 6593 respecting land located at Municipal No. 1527 Upper Ottawa Street.
- (e) Bill D-31 A By-law to amend Zoning By-law No. 6593 respecting lands located at Municipal Nos. 71, 75, 79, 83, 87, 91, 95, 99, and 103 Britten Close.
- (f) Bill D-32 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of Municipal No. 77 Eleanor Avenue.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 February 21st

COMMUNITY IMPROVEMENT PROGRAMME

SELECTION CRITERIA

IN THE CITY OF HAMILTON

Department of Community Development
1986 September

The Department of Community Development, is establishing the selection guidelines for the Community Improvement Programme, addressed items that the B.I.A.'s study should include as well as the criteria to be used in evaluating financial requests from the B.I.A.'s. The following provides an outline of the selection process.

CRITERIA FOR AREA

1. Age of Hard Services

Priority will be given on the age and condition of hard surfaces (i.e. oldest most needy), including the sharing of costs with the Region based on their Reconstruction-Resurfacing Schedule.

2. Market Catchment Area

The type of commercial needs it caters to, i.e., neighbourhood shopping, Regional mall, tourist area and/or ethnic flavour, will be considered.

3. Stability of B.I.A.

The B.I.A. must be in existence and operating for at least one year.

4. Central Area

As stated in the Official Plan, "The Central Policy Area is recognized as the highest level in the Commercial hierarchy and is promoted as the principal retail centre for both the City and the Region, offering the widest range of goods and services". Thus consideration will be given based on the aforementioned, to the B.I.A.'s in the Central Policy Area.

5. Municipal Expenditure

The last major municipal expenditure in the area will be considered in terms of when and how many municipal dollars spent.

6. B.I.A. Study

The B.I.A. study submitted will be assessed based on: the scope and nature of the submission, the breakdown of hard and soft services, long term objectives and goals, a clear majority of 60/40 B.I.A. members in favour of the improvements proposed - this ascertained by means of a general membership meeting or an individual poll to avoid potential conflicts and facilitate implementation.

7. Uniqueness of Proposal

New, imaginative ideas conducive to Hamilton's future growth will be favourably considered.

8. Commercial Facade Loan Programme

The viability of implementation of the Commercial Facade Loan Programme will be considered based upon the age of buildings, and any architectural or historical significance.

CRITERIA FOR MUNICIPAL EXPENDITURE

1. Staged Project

Any acceptable proposal exceeding available funds will be considered as a staged project over a number of years.

2. Specific Staging

Any proposal over \$500,000. must also provide specific staging and priorities for implementation i.e. if approval not given for Stage 2 the project completed (Stage 1) stands on its own merit. Each year proposals are reviewed and allocations made. Thus, the Planning and Development Committee and subsequently City Council can terminate or postpone stages of the programme prior to next years' allocation.

3. Maintenance Costs

The ongoing maintenance costs to the City of Hamilton and the Region will be considered.

STUDY

1. Market Catchment Area

The type of commercial needs the B.I.A. caters to, i.e., neighbourhood shopping, regional mall, tourist area or ethnic flavour must be outlined in the B.I.A. professional study submission.

2. B.I.A. Study

The study must include breakdown of hard and soft services, preliminary cost estimates, long term goals and objectives, reference to a clear majority (60/40) in favour of proposed changes, i.e., general meeting or merchant poll to confirm support.

3. Condition of Building

The age of buildings relative to their historical or architectural significance must be addressed to ascertain the viability of the implementation of loan/grant programmes (i.e., Heritage, Commercial Facade, Low-Rise).

SUMMARY

The Department of Community Development would prepare recommendations to the Planning and Development Committee based on the preceding guidelines.

Assistance will also be given to the B.I.A.'s with respect to the terms of reference for the professional study undertaken financially by the B.I.A. The B.I.A.'s must understand and acknowledge in writing that the submission of the study does not necessitate the allocation of funds by the municipality.

The Commercial Improvement Programme will be limited to B.I.A.'s in existence and operation for one year for the following reasons:

- a) there is a definite need for a stable political system and structure to effectively ensure majority approval.
- b) due to the present limitations of the annual capital budget there will not be enough funding available to make this programme available to new B.I.A.'s during their first year of operation.
- c) the B.I.A. Legislation provides an ideal mechanism for the Business Community to collect the necessary funding for the required study.

REASONS FOR DESIGNATION

33 Undermount Avenue

Context

Built in 1916-17 for lawyer John R. Marshall, the house at 33 Undermount Avenue is located in the Kirkendall South Neighbourhood, an early 20th century, upper middle-class residential area extending south of Aberdeen Avenue to the escarpment and west to the Chedoke Civic Golf Course. Typical of this area, Undermount Avenue is a pleasant, tree-lined street with a homogenous mix of 2 1/2 storey brick houses.

The properties on either side of Undermount Avenue, a north-south street just west of Locke Street South between Aberdeen and Glenfern Avenue, comprise the survey laid out for Williams, Powell & Francis and sold to the Cumberland Land Co. Ltd. in 1909. The uniform size, quality and set-back of the houses may be attributed to building restrictions in the form of restrictive covenants registered on the original deeds to the lots.

Historical Associations

Of historical interest is the association of 33 Undermount Avenue with the original owner, John R. Marshall, who owned and occupied the house until 1943.

John Roy Marshall was a noted corporate lawyer in partnership for fifty years with Major-General the Honourable S.C. Mewburn. Marshall joined the firm of Mewburn & Ambrose in 1906, becoming a full partner in 1916. In the course of his distinguished legal career, he served for 25 years as a bencher for the Law Society of Upper Canada, subsequently being made a life bencher, and in 1933 was appointed a King's Counsel.

Architectural Significance

This residence, one of the most distinctive on Undermount Avenue, features roughcast masonry walls, a broad symmetrical facade with a central doorway protected by a round-arched canopy, a side-gabled roof with deep flared returned eaves, and multi-paned casement windows. Its individuality stems from the eclectic combination of classical proportions and symmetry with elements borrowed from contemporary English domestic architecture: the roughcast walls, casement windows, and absence of revivalist detail.

An unusual feature of the simply detailed interior is the ornate curvilinear marble mantelpiece in the living room.

Designated Features

Important to the preservation of 33 Undermount Avenue are the original features of the west (front), north and south facades, including the casement windows and canopied entrance, and the living room mantelpiece.

Appendix "B" as referred to in
Section 11 of the FIFTH Report
for 1990 of the Planning and
Development Committee.

PLANNING INFORMATION

33 Undermount Avenue

DATE: November 1989

HERITAGE STATUS: Listed on the Inventory

NEIGHBOURHOOD: Kirkendall South

ZONING: "C" District (Urban Protected Residential), which permits single-family and converted dwellings, foster homes, residential care facilities, and certain institutional and public uses (see sec. 9 of Zoning By-law).

Maximum permitted building height: 2 1/2 storeys

No current or recent zoning applications.

SITE PLAN CONTROL: Not under site plan control.

OFFICIAL PLAN POLICIES: Designated "Residential" in the Official Plan (Schedule "A" - Land Use Concept).
Primary uses permitted: various types of dwellings and compatible land uses which serve the needs of local residents (i.e. public parks, institutional and commercial uses on sites less than .4 ha - approx. 1 acre). Home occupation uses and medical offices may also be permitted.

NEIGHBOURHOOD PLAN POLICIES: Designated "Single and Double Residential" in the approved neighbourhood plan.



CITY OF HAMILTON

KIRKENDALL SOUTH

ZONING

0 50m 100m

SCALE

NORTH

PLANNING
BY NO

802

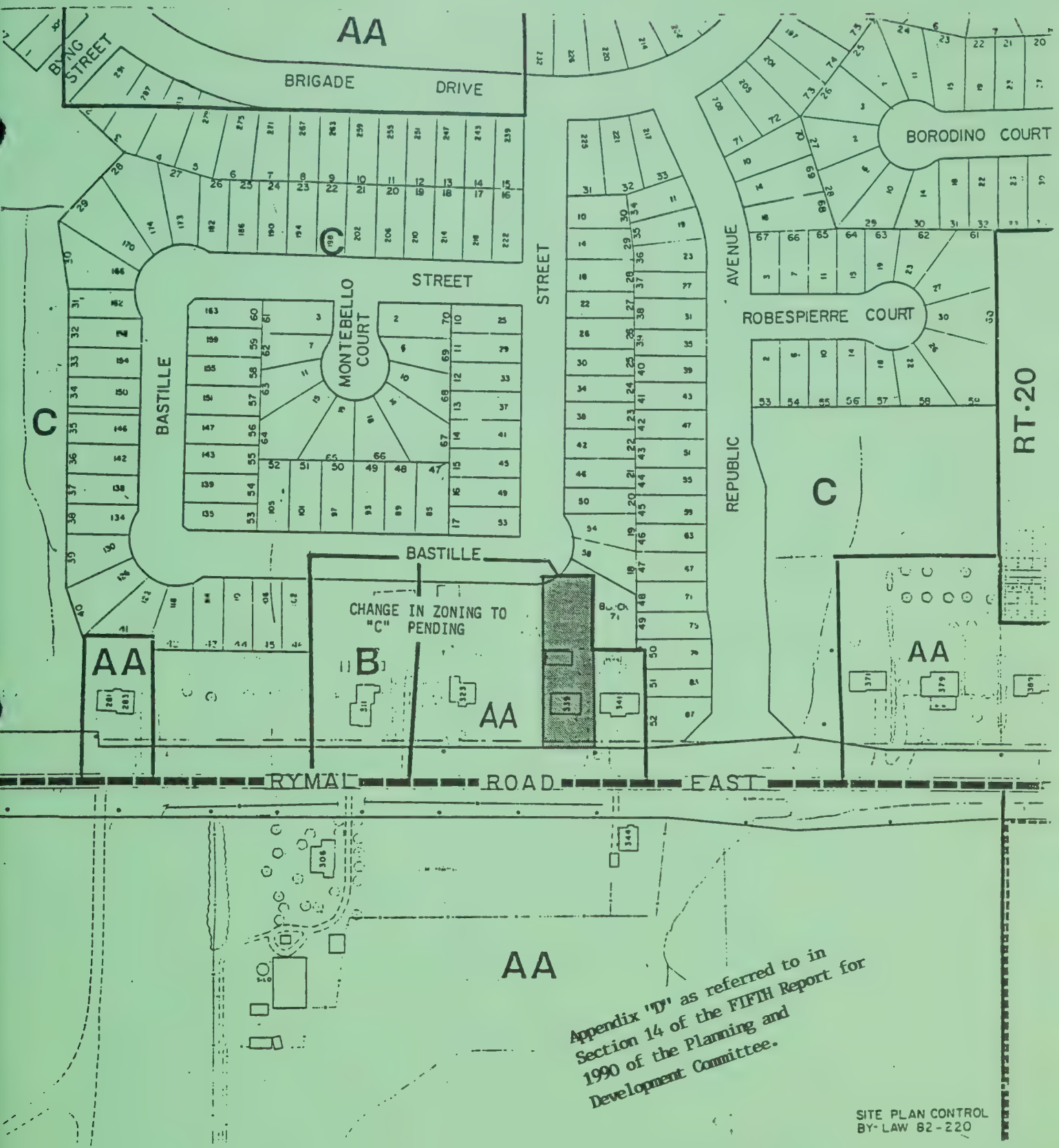
JUNE 1983

PAGE NO

93



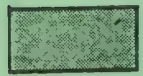
33 Undermount Avenue



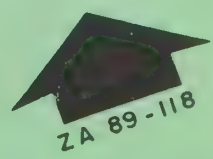
Appendix 'D' as referred to in
 Section 14 of the FIFTH Report for
 1990 of the Planning and
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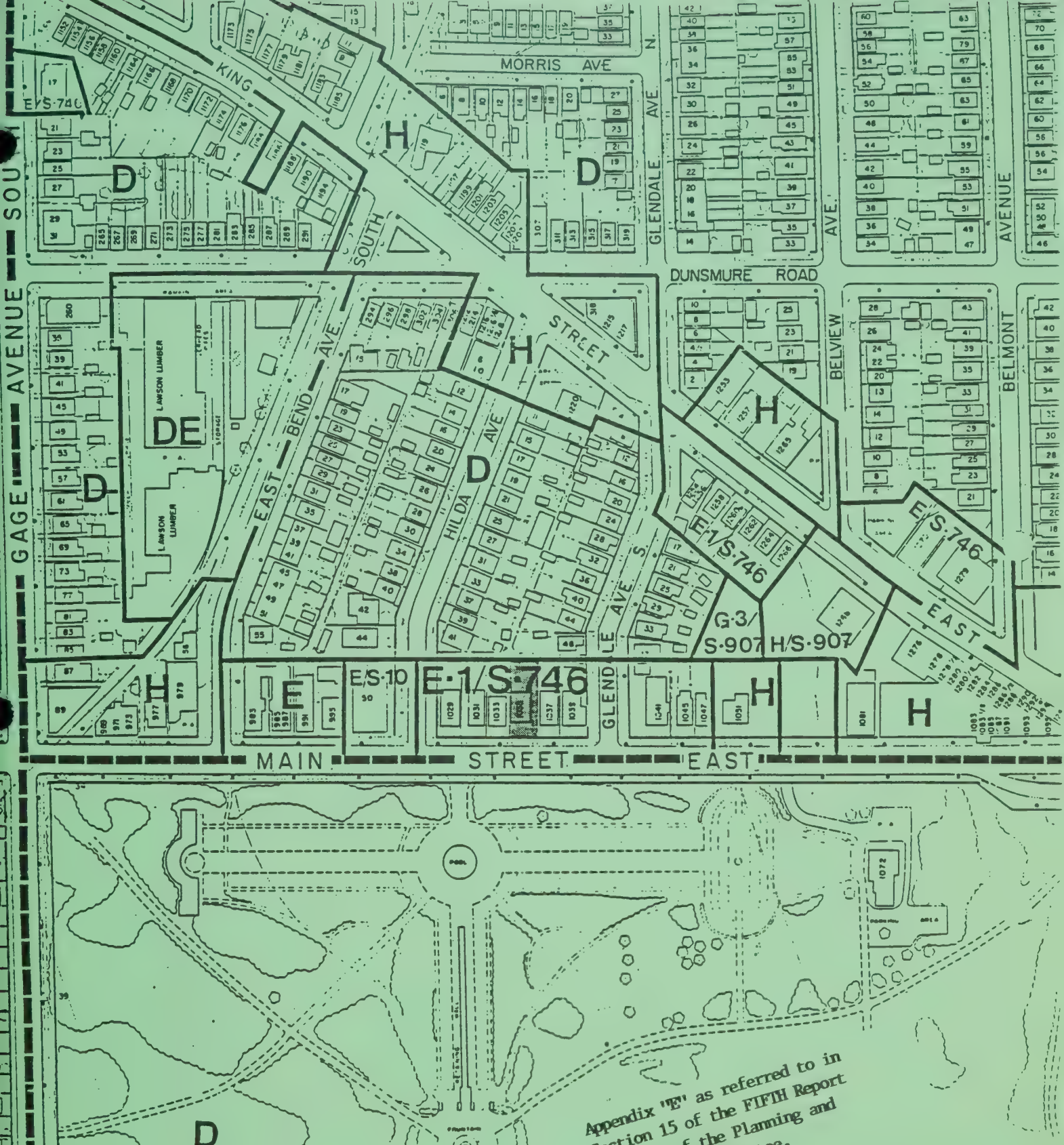
SITE PLAN CONTROL
 BY-LAW 82-220

LEGEND



SITE OF THE APPLICATION

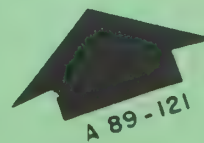




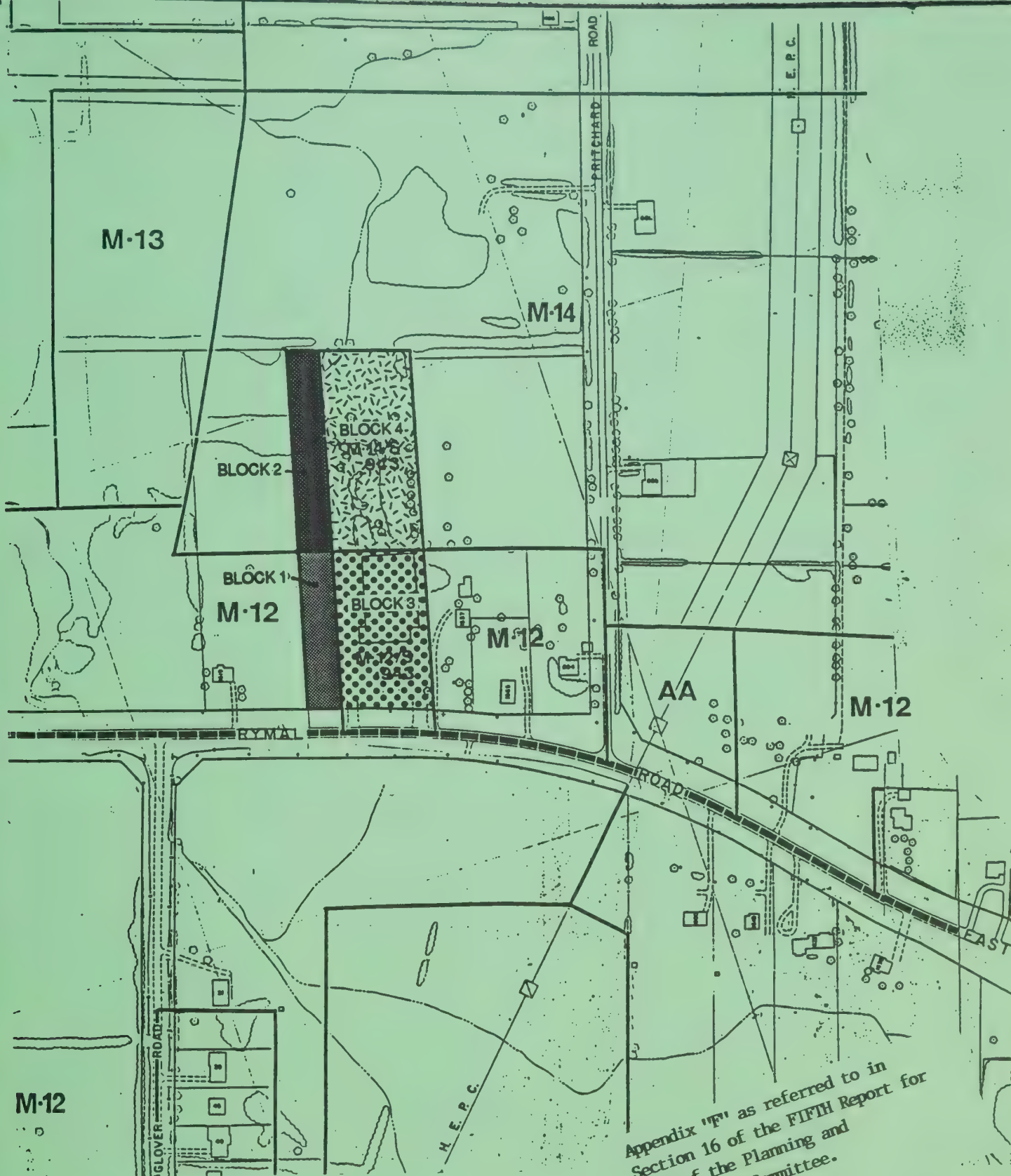
LEGEND



SITE OF THE APPLICATION



Appendix "E" as referred to in
Section 15 of the FIFTH Report
for 1990 of the Planning and
Development Committee.



Appendix "F" as referred to in
Section 16 of the FIFTH Report for
1990 of the Planning and
Development Committee.



Legend



Site of the Application

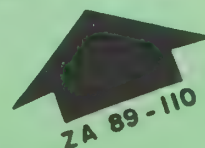


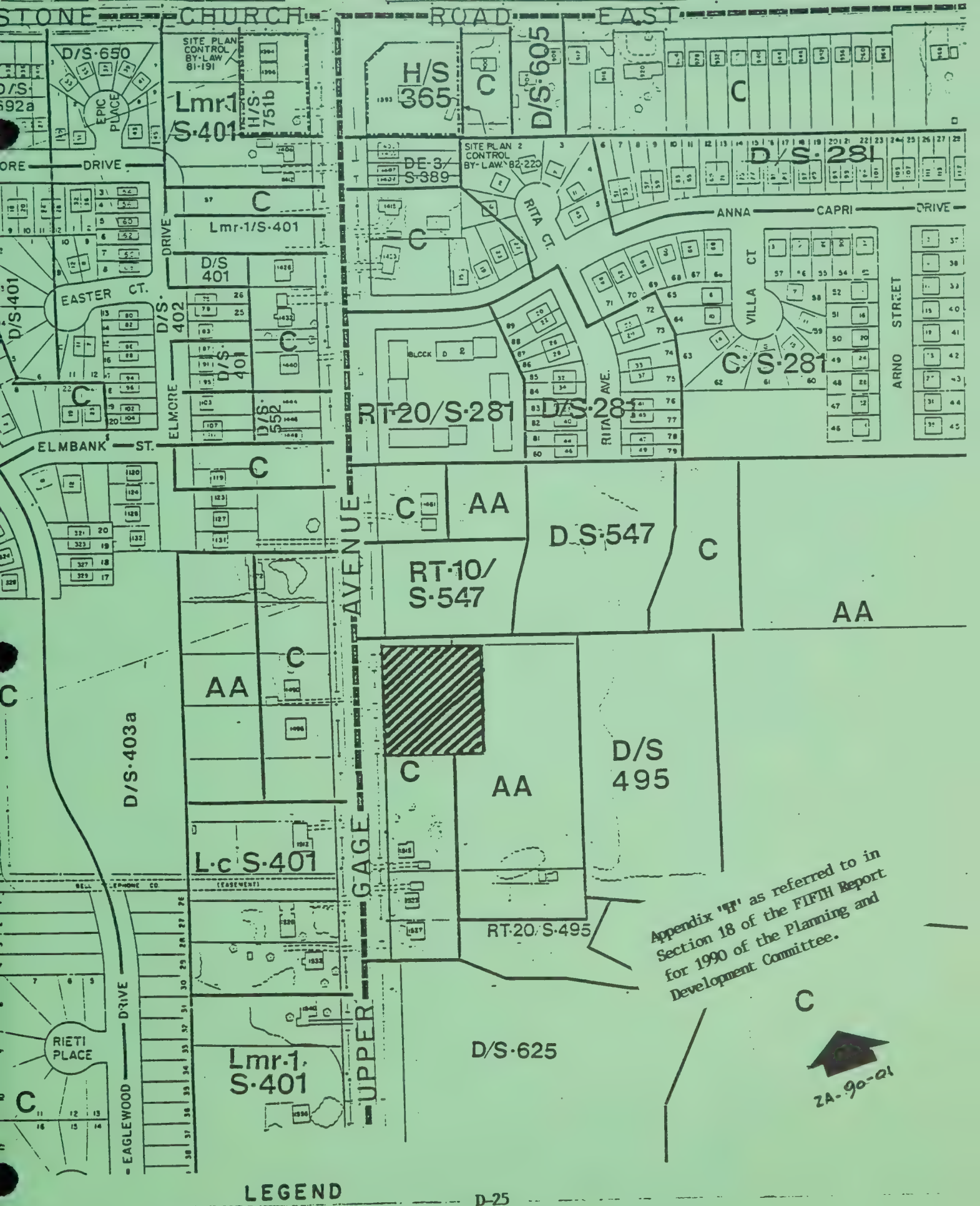
LEGEND



SITE OF THE APPLICATION

Appendix "G" as referred to in
Section 17 of the FIFTH Report for
1990 of the Planning and
Development Committee.





Appendix 'A' as referred to in
Section 18 of the Fifth Report
for 1990 of the Planning and
Development Committee.

 SITE OF THE APPLICATION.

APPENDIX A

NOTICES OF MOTION

NOTICE OF MOTION

Alderman D. Agostino gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

RESOLVED:

"That the Council of The Corporation of the City of Hamilton endorse, in principle, the response of the Solicitor General with respect to the report of the Task Force on Race Relations and Policing."

NOTICE OF MOTION

Alderman D. Drury gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

RESOLVED:

"That the Procedural By-law governing HECFI be amended to reduce the composition of Aldermen appointees from 7 to 4, plus the Mayor, and that the Procedural By-law be amended to reflect the reduced complement and its relationship to quorum."

BY-LAW NO. 90 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27th DAY OF FEBRUARY A.D., 1990.

WHEREAS by Section 19 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario, 1980, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 103 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario 1980, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this

day of

A.D. 1990

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Local Improvement By-law No. 10605

Respecting:

REVISED COSTS TO THE CORPORATION
FOR THE INSTALLATION OF LOCAL IMPROVEMENTS

WHEREAS By-law No. 10605, passed on the 15th day of December, 1964, as amended by By-laws Nos. 67-150, 73-72, 80-127, 80-156, 82-40, 83-75, 84-41, 85-70, 86-78, 88-096 and 89-76, provides for the undertaking of local improvements in accordance with the Local Improvement Act;

AND WHEREAS subsection 4a of section 13 of said By-law No. 10605, as amended, provides for the local improvement rates to be charged against abutting lands for work done under the Local Improvement Act;

AND WHEREAS By-law No. 89-76, passed on the 28th day of February 1989 repealed subsection 4a of section 13 to By-law No. 10605, as amended by By-laws No. 67-150, 73-72, 80-127, 80-156, 82-40, 83-75, 84-41, 85-70 and 86-78, and repealed and re-enacted by By-law No. 88-096, and re-enacted a new subsection 4a to section 13 to provide for increased maximum local improvement rates, chargeable on a per metre frontage basis against abutting lands for work done under the Local Improvement Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 19 of the 1st Report of the Transport and Environment Committee at its meeting held on the 30th day of January 1990, directed that the maximum local improvement charges per metre of frontage be increased as hereinafter provided.

NOW THEREFORE the Council of The Corporation of The City of Hamilton enacts as follows:

1. Subsection 4a of section 13 of By-law No. 10605, as re-enacted by By-law No. 89-76, is repealed and the following substituted therefor:

(4a) The chargeable amount per metre frontage referred to in clause (a) of subsection 4 shall be as follows:

1. For curbs only at the rate of \$67.00 per metre frontage.
2. For sidewalks only at the rate of \$84.00 per metre frontage.

3. For sidewalks and independent curbs or combined sidewalks and curbs, at the rate of \$137.00 per metre frontage.
4. For roadway only, at the rate of \$231.00 per metre frontage.
5. For alleys, at the rate of \$90.00 per metre frontage.
6. For roadway and curbs only in industrial subdivisions, at the rate of \$314.00 per metre frontage.

2. In all other respects By-law No. 10605, as amended, is hereby confirmed, unchanged.

PASSED this day of A.D. 1990.

City Clerk

Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE PARTS 1 AND 2, PLAN 62R-10706
AND PARTS 16 AND 18, PLAN 62R-9968 INTO EMPEROR AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Emperor Avenue by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Emperor Avenue.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1989) 12 R.T.E.C. 17(h), July 25

SCHEDULE 'A'

FIRSTLY:

Parts of Lot 10, Concession 8,
in the former geographic Township of Barton
City of Hamilton
Regional Municipality of Hamilton-Wentworth
designated as Parts 1 and 2 on Plan 62R-10706.

SECONDLY:

Parts of Parcel 10-4, Section Bar. 8(c)
Parts of Lot 10, Concession 8,
in the former geographic Township of Barton
City of Hamilton
Regional Municipality of Hamilton-Wentworth
designated as Parts 16 and 18 on Plan 62R-9968
being parts of the Parcel.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE REAR OF MUNICIPAL NO. 1285 UPPER GAGE AVENUE
FRONTING ON QUEEN VICTORIA DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-49B and E-49C of the District Maps, appended to and forming part of By-law No. 6593, are amended,

(a) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

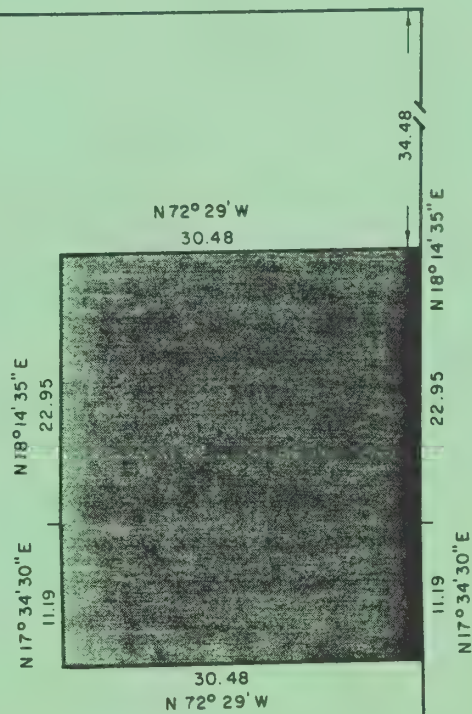
2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor

LOCONDER DRIVE



QUEEN VICTORIA DRIVE

NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND

 CHANGE IN ZONING FROM "AA" (AGRICUL-
TURAL) DISTRICT TO "R-4" (SMALL LOT
SINGLE-FAMILY DETACHED) DISTRICT.

North



Scale
NOT TO SCALE

Date
FEB. 1, 1990

Reference File No.
ZA 89-48

Drawn By
Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 244 STONE CHURCH ROAD WEST

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-17C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

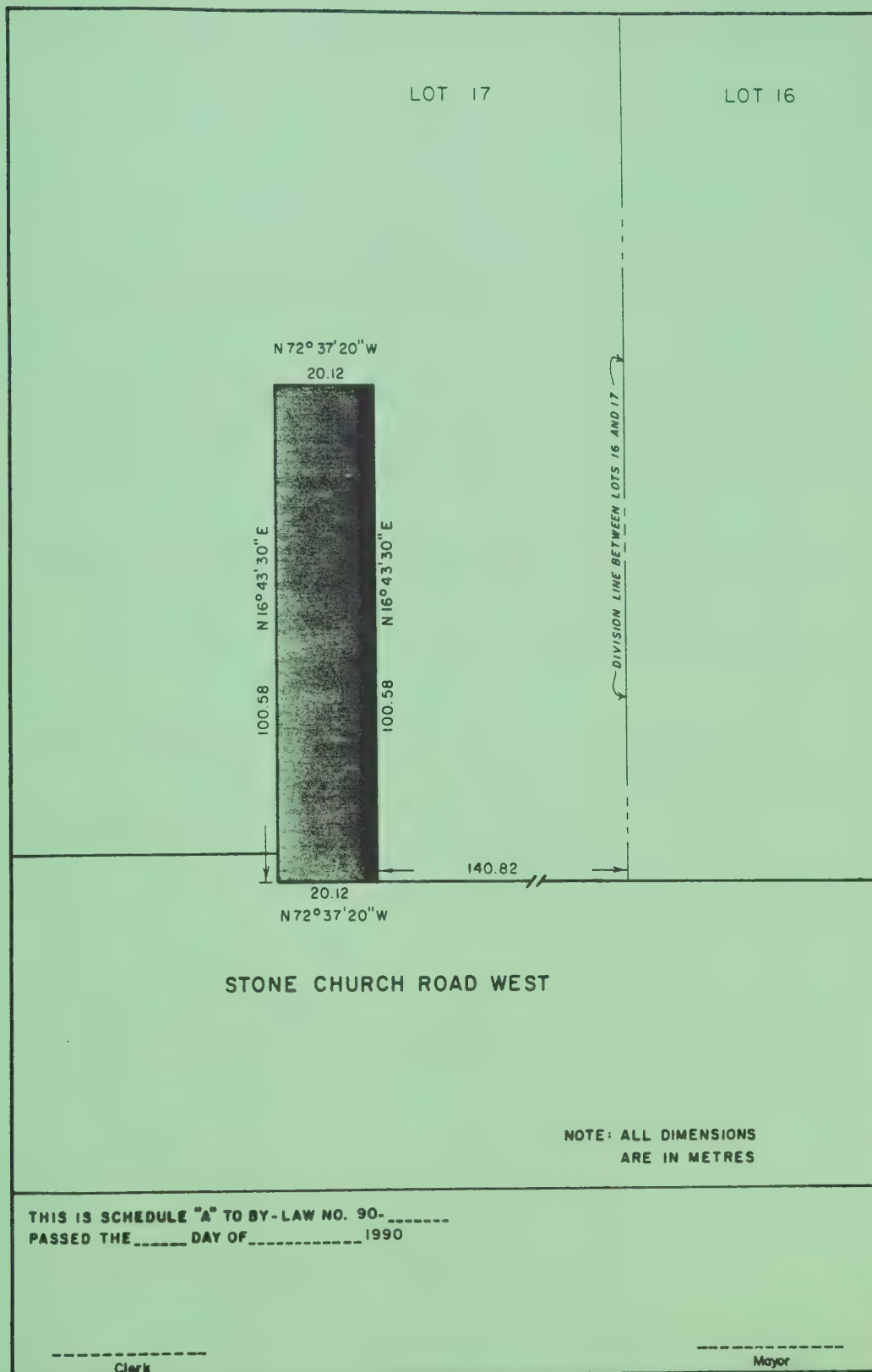
the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk

Mayor



CITY OF HAMILTON

SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND

CHANGE IN ZONING FROM "AA" (AGRICUL-
TURAL) DISTRICT TO "C" (URBAN PRO-
TECTED RESIDENTIAL, ETC.) DISTRICT.

North



Scale
NOT TO SCALE

Date
FEB. 1, 1990

Reference File No.
ZA 89-112

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE EAST SIDE OF UPPER SHERMAN AVENUE,
NORTH OF LIMERIDGE ROAD EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-38A and E-38B of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, the land comprised in Block 1,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Blocks 1 and 2 on Schedule "A" hereto annexed, are amended to the extent only of the special requirements that,

- (a) notwithstanding Section 9(4) of By-law No. 6593, Lots 1, 2 and 3 shown on Schedule "A-1" hereto annexed, shall have a lot area of not less than 330 m² each;
- (b) access to Lot 3, shown on Schedule "A-1" hereto annexed, shall be adjacent to the north limit of the lot to Upper Sherman Avenue.
- (c) access to Lot 4, shown on Schedule "A-1" hereto annexed, shall be restricted to Limeridge Road East only and shall be approximately 3 m from the easterly lot line and shall be not less than 3 m from the daylight triangle; and
- (d) notwithstanding Section 9(3) of By-law No. 6593, no building shall be permitted within 5 m of the southerly lot line adjoining Limeridge Road East;

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1160.

5. Sheets No. E-38A and E-38B of the District Maps are amended by marking the lands referred to in section 1 of this by-law, S-1160.

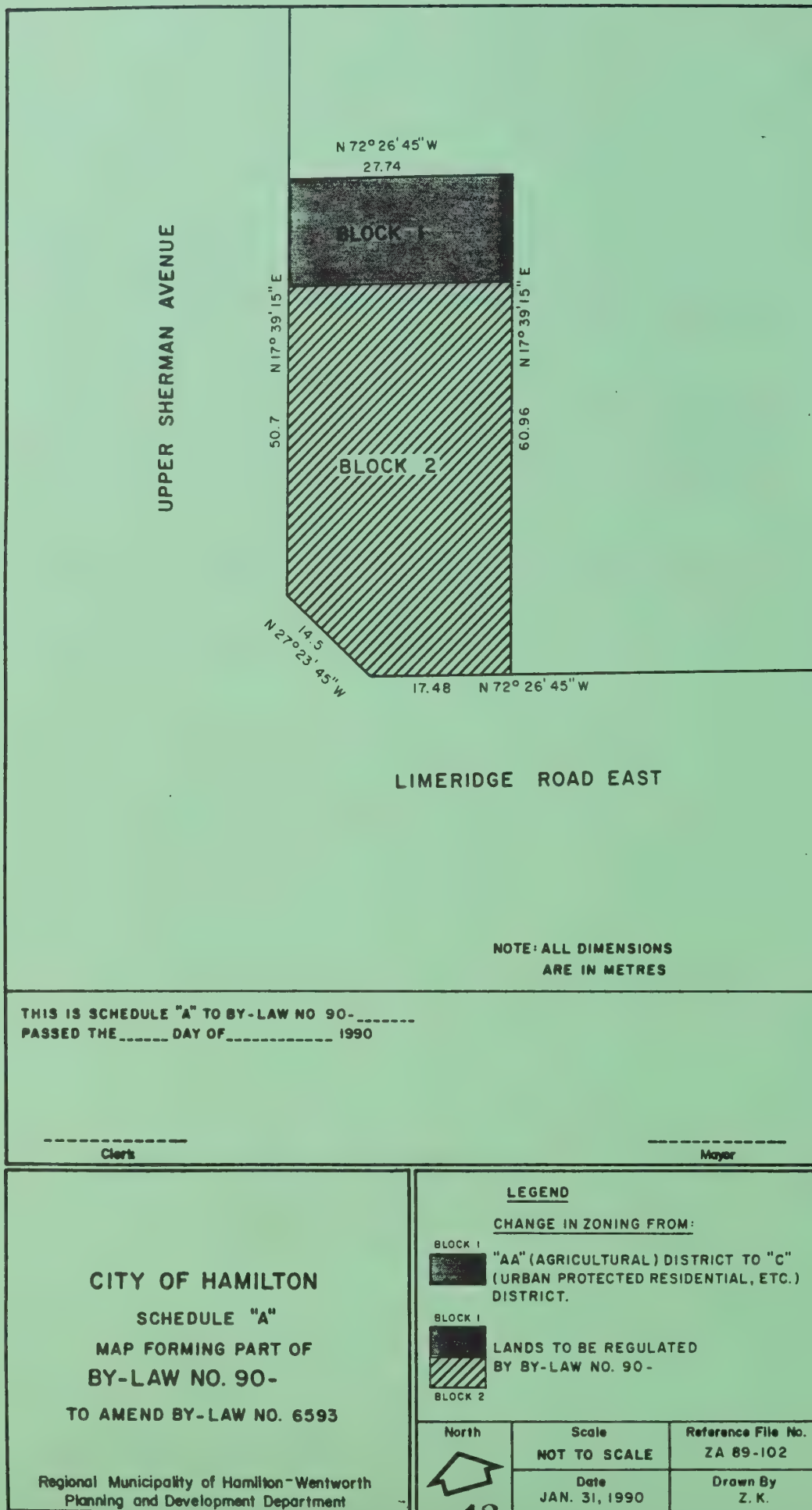
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

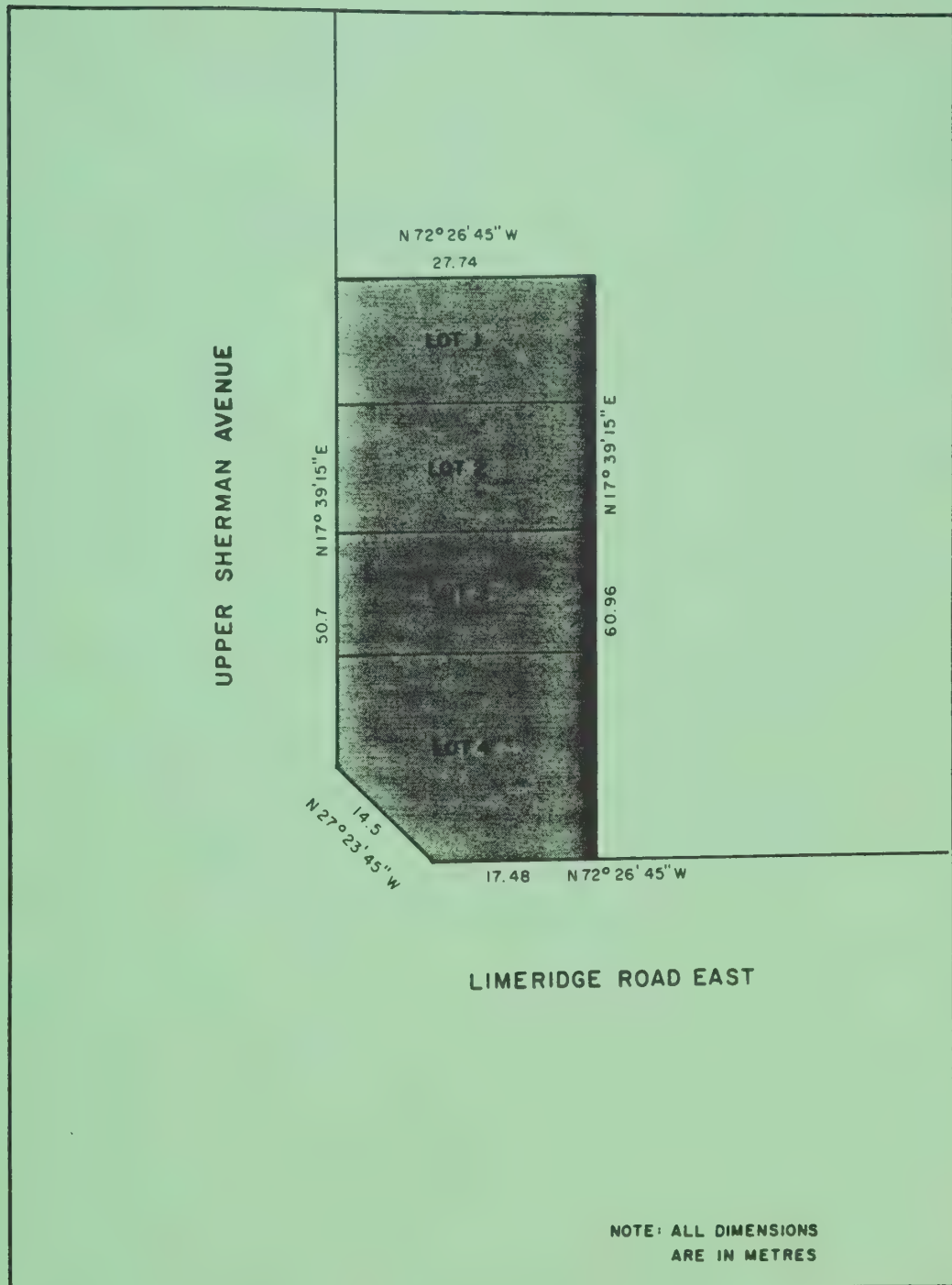
PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 3 R.P.D.C. 18, January 30
Carmen Chiaravalle and Anthony Lemmelo, Owners
ZA-89-102





THIS IS SCHEDULE "A-1" TO BY-LAW NO. 90-
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A-1"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND

 LANDS TO BE REGULATED
BY BY-LAW NO. 90-

North



Scale
NOT TO SCALE

Date
FEB. 12, 1990

Reference File No.
ZA 89-102

Drawn By
Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1527 UPPER OTTAWA STREET

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "M-12" (Prestige Industrial) District provisions, as contained in Section 17D of Zoning By-law No. 6593, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

- (a) notwithstanding Section 17D(1)(c) of By-law No. 6593, the following additional Industrial Uses shall be permitted:

S.I.C.	
Identification	
<u>Number</u>	<u>Industrial Use</u>
4011	Single-Family Housing Development
4012	Apartment and Other Multiple Housing Development
4013	Residential Renovation
4021	Manufacturing and Light Industrial Building
4022	Commercial Building
4023	Institutional Building
4213	Septic System Installation
4214	Excavating and Grading
4222	Form Work
4224	Concrete Pouring and Finishing
4225	Precast Concrete Installations
4226	Rough and Framing Carpentry
4231	Masonry Work
4232	Siding Work
4234	Insulation Work
4235	Roof Shingling
4239	Other Exterior Close-In Work
4241	Plumbing
4242	Dry Heating and Gas Piping Work
4243	Wet Heating and Air Conditioning Work
4244	Sheet Metal and Other Duct Work
4261	Electrical Work
4271	Plastering and Stucco Work

<u>S.I.C. Identification Number</u>	<u>Industrial Use</u>
4272	Drywall Work
4273	Acoustical Work
4274	Finish Carpentry
4275	Painting and Decorating Work
4276	Terrazzo and Tile Work
4277	Hardwood Flooring Installation
4278	Resilient Flooring and Carpet Work
4279	Other Interior and Finishing Work

(b) notwithstanding Section 17D(1)(c) of By-law No. 6593, the following additional Industrial Use shall be permitted in addition to the uses listed in clause (a) above:

1. Manufacturing of solariums, solarium windows and greenhouses;

(c) notwithstanding Section 17D(2)(h) of By-law No. 6593, outdoor storage shall be prohibited.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-12" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1159.

4. Sheet No. E-59D of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1159.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

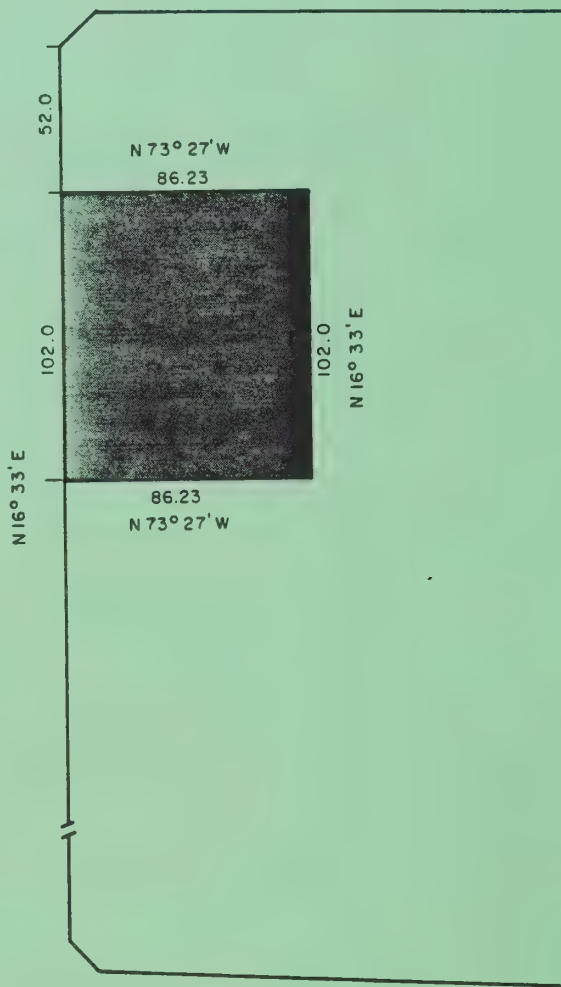
PASSED this day of A.D. 1990.

City Clerk

Mayor

UNSWORTH DRIVE

UPPER OTTAWA STREET



RYDAL ROAD EAST

NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"
MAP FORMING PART OF

BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND



LANDS TO BE REGULATED
BY BY-LAW NO. 90-

North



Scale
NOT TO SCALE

Date
FEB. 1, 1990

Reference File No.
ZA 89-54

Drawn By
Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NUMBERS 71, 75, 79, 83,
87, 91, 95, 99, and 103 BRITTEN CLOSE

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

- (a) for the purposes of this by-law, the rear lot line shall be the boundary line along Garth Street;
- (b) no vehicular access shall be permitted from Garth Street.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1153.

4. Sheet No. W-17A of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1153.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

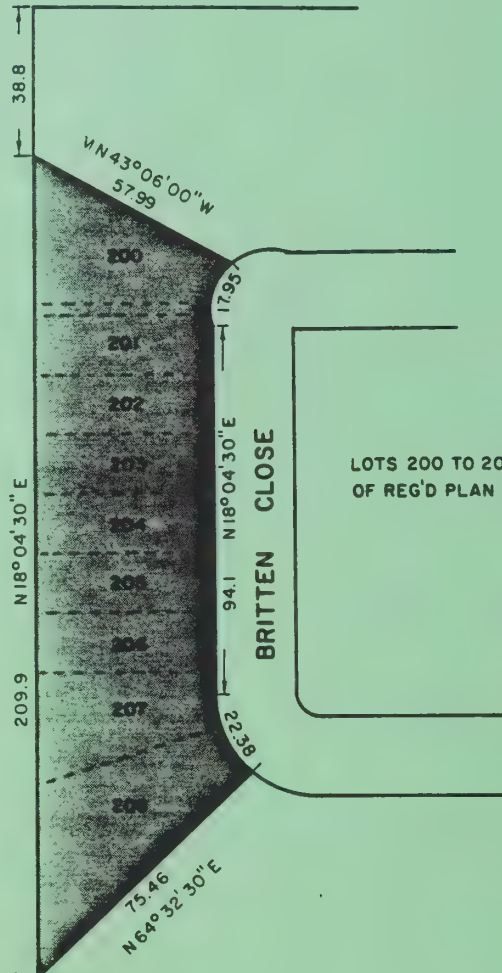
PASSED this day of A.D. 1990.

City Clerk

Mayor

LIMERIDGE ROAD WEST

GARTH STREET



LOTS 200 TO 208
OF REG'D PLAN M-55

NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE ____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF

BY-LAW NO. 90-

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND



LANDS TO BE REGULATED
BY BY-LAW NO. 90 -

North



Scale

NOT TO SCALE

Reference File No.

C.I. 89-C

Date

JAN. 5, 1990

Drawn By

Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT THE REAR OF MUNICIPAL NO. 77 ELEANOR AVENUE

WHEREAS it is intended to change the zoning of the land hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets No. E-38C and E-38D of the District Maps, appended to and forming part of By-law No. 6593, are amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

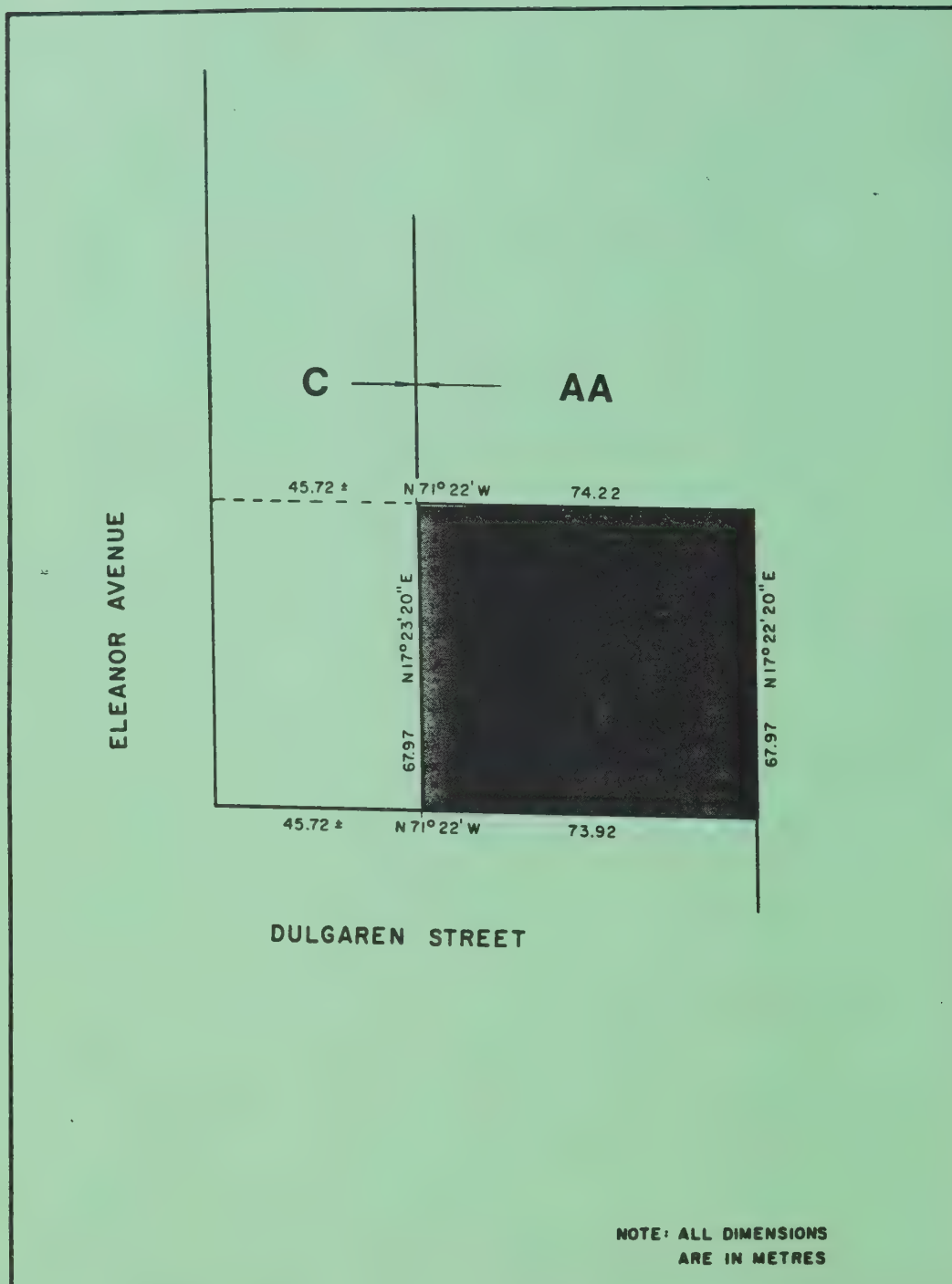
PASSED this

day of

A.D. 1990.

City Clerk

Mayor




THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND		
<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 10px; background-color: black; margin-right: 5px;"></div> CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT. </div>		
North 	Scale NOT TO SCALE	Reference File No. ZA 89-72
	Date JAN. 11, 1990	Drawn By Z. K.

CAYONHBLA05
A31

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON
OFFICE OF THE CITY CLERK

2nd floor
CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

Tuesday, 1990 March 13
7:30 o'clock p.m.
Council Chambers, City Hall

URBAN MUNICIPAL
1
GOVERNMENT OF CANADA

A G E N D A

1. Opening Prayer

Reverend Charles Stirling
All Saints Anglican Church
15 Queen Street South

2. Proclamation

Red Cross Month

3. Minutes

1990 February 27

4. Petitions and Correspondence

+

5. Reports of the Standing Committees

- (a) Finance and Administration Committee
- (b) Transport and Environment Committee
- (c) Parks and Recreation Committee
- (d) Planning and Development Committee
- (e) Information Systems Committee
- (f) Report of His Worship Mayor Robert M. Morrow
- (g) Report of the Special Committee to Administer the
Hamilton-Scourge Project

6. Notices of Motion for Next Meeting

7. First Reading of the Bills

8. Second Reading of the Bills - Committee of the Whole

9. Third Reading of the Bills

10. Question Period

11. Adjournment

M I N U T E S

MEETING OF HAMILTON CITY COUNCIL
TUESDAY, FEBRUARY 27, 1990
7:30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor.

Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Cöpps, Christopherson,
Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross,
Murray.

His Worship Mayor Robert M. Morrow called the meeting to order.

The Reverend Donald A. Deas, Zion United Church, led the Council in prayer.

* * * * *

The following presentation of Civic Awards was made:

Hamilton Amateur Wrestling Club

* * * * *

The following Proclamation was read:

"Nutrition Month" - March 1990.

* * * * *

The minutes of the meeting of February 13, 1990 and the Special Meeting of
February 20, 1990, were taken as read and approved.

* * * * *

The following communications were received and forwarded to the appropriate
Committee, except as indicated:

1. Letter from The Association of Municipalities of Ontario Regarding the
Need for New Funding Relationships between the Province and the
Municipalities. (Previously Distributed). REFERRED TO THE FINANCE AND
ADMINISTRATION COMMITTEE.
2. Letter from The Association of Municipalities of Ontario Regarding the
Discussion Paper of the AMO Conditional Grants Review. (Previously
Distributed). REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE.
3. Copy of a letter from the Insurance Bureau of Canada to the Mayor of the
Town of Milton regarding the Ontario Motorist Protection Plan. RECEIVED.

4. Memorandum from the Federation of Municipalities of Ontario regarding:
- (a) Radio Licence Fees
 - (b) Official Languages Controversy

REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE

5. Application from Mr. William Kosar "In Trust", 1030 Upper James Street, Suite 300, Hamilton, Ontario, for a change in zoning, property located at No. 912 Rymal Road East, dated February 13, 1990. RECEIVED.
6. Application from Patran Holdings Ltd., 21 Brockley Drive, Stoney Creek, Ontario, for a change in zoning, property located at No. 55 Queen Street North, dated February 14, 1990. RECEIVED.
7. Application from Taba Developments Ltd., c/o 160 Centennial Parkway North, Hamilton, Ontario, for a modification to the zoning, property located at No. 15 Unsworth Drive, dated February 14, 1990. RECEIVED.
8. Application from Mr. Rob Patterson, 212 James Street South, Hamilton, Ontario, for a further modification to the zoning, property located at No. 14 Duke Street, dated February 16, 1990. RECEIVED.
9. Application from Pietro Giraldi and Maria Giraldi, 779 Rymal Road, Hamilton, Ontario, for a change in zoning, property located at the rear of No. 779 Rymal Road, dated February 20, 1990. RECEIVED.
10. An open letter dated February 29, 1990, from Mr. Fred Loft, President, CUPE Local Five, 231 Bay St. North, Hamilton, Ontario, setting out various concerns with respect to the hiring process, the Performance Excellence Program, and the job evaluation process. REFERRED TO THE FINANCE AND ADMINISTRATION COMMITTEE.
11. A letter dated February 16, 1990, from Colin T. Millar, Chief of Police, to the Hamilton-Wentworth Regional Board of Commissioners of Police, regarding the response of the Hamilton-Wentworth Regional Board of Commissioners of Police to the Task Force on Race Relations and Policing. This letter was submitted to City Council by Alderman Wm. McCulloch, Chairman of the Hamilton-Wentworth Regional Board of Commissioners of Police, in response to the request of City Council as set out in Section 40 of the Second Report of the Finance and Administration Committee, adopted by City Council on January 30, 1990. RECEIVED.

* * * * *

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole to consider the following Reports, with Alderman Smith in the chair.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 17.

NAYS: 0 - CARRIED.

* * * * *

(A) FINANCE AND ADMINISTRATION COMMITTEE - SIXTH REPORT.

It was moved by Alderman Hinkley and seconded by Alderman Cooke.

RESOLVED: that Section 8 re the Selection Procedure for the hiring of Department Heads be amended by adding the word "two", after the word "of", in the first line of Subsection (ii). - CARRIED.

* * * * *

(B) TRANSPORT AND ENVIRONMENT COMMITTEE - THIRD REPORT.

Recorded vote on Section 4, Subsection (d). (Re: PPM Canada Inc. Carrying Out PCB Decontamination).

YEAS: Mayor Morrow; Aldermen Cooke, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 16.

NAYS: Alderman Kiss. - 1. CARRIED.

* * * * *

(C) PARKS AND RECREATION COMMITTEE - THIRD REPORT.

Recorded vote on Section 3. (Re: Hamilton Harbour Commission's Marina Expansion Concept).

YEAS: Mayor Morrow; Aldermen McCulloch, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Gallagher, Ross, Murray. - 11.

NAYS: Alderman Copps. - 1. CARRIED.

* * * * *

(D) PLANNING AND DEVELOPMENT COMMITTEE - FIFTH REPORT.

Recorded vote on Section 17. (Re: Zoning Application 89-110, Dennis Gordon LeBlanc, 220 Burlington St. East).

YEAS: Mayor Morrow; Aldermen Kiss, McCulloch, Copps, Lombardo, Smith, Jackson, Gallagher, Murray. - 9.

NAYS: Alderman Christopherson. - 1. CARRIED.

* * * * *

NOTICES OF MOTION

It was moved by Alderman Agostino and seconded by Alderman Jackson.

RESOLVED: that the Council of The Corporation of the City of Hamilton endorse, in principle, the response of the Solicitor General with respect to the Report of the Task Force on Race Relations and Policing.

It was moved by Alderman Gallagher and seconded by Alderman Murray.

RESOLVED: that the Motion of Alderman Agostino, relating to the endorsement of the response of the Solicitor General with respect to the Report of the Task Force on Race Relations and Policing, be tabled to hear submissions from the public. -

YEAS: Aldermen Gallagher, Murray. - 2.

NAYS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling, Ross. - 15. LOST.

Recorded vote on the Motion by Alderman Agostino, seconded by Alderman Jackson, regarding the Solicitor General's Response to the Report of the Task Force on Race Relations and Policing.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson. - 13. CARRIED.

* * * * *

It was moved by Alderman Drury and seconded by Alderman Gallagher.

RESOLVED: that the City of Hamilton Act, 1985, Sec. 9(2)(6)(i), Governing HECFI, be amended to reduce the composition of Aldermen appointees from 7 to 4, and that the City Solicitor be authorized and directed to make application for the necessary legislation.

It was moved by Alderman Gallagher and seconded by Alderman Cooke.

RESOLVED: that the Motion of Alderman Drury, relating to the composition of the HECFI Board, be amended by adding the following:

"That this amendment be effective January, 1, 1992." -

YEAS: Aldermen Cooke, McCulloch, Hinkley, Drury, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 10.

NAYS: Mayor Morrow; Aldermen Kiss, Copps, Christopherson, Agostino. - 5. CARRIED.

The Motion of Alderman Drury, regarding the composition of the HECFI Board, as amended, and reading as follows:

RESOLVED: that the City of Hamilton Act, 1985, Sec. 9(2)(6)(i), Governing HECFI, be amended to reduce the composition of Aldermen appointees from 7 to 4, and that the City Solicitor be authorized and directed to make application for the necessary legislation. That this amendment be effective January 1, 1992.

be adopted. -

YEAS: Aldermen Cooke, McCulloch, Hinkley, Drury, Lombardo, Smith, Jackson, Gallagher, Ross, Murray. - 10.

NAYS: Mayor Morrow; Aldermen Kiss, Copps, Christopherson, Agostino. - 5. CARRIED

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Alderman T. Jackson be appointed Acting Mayor for the month of March, 1990. - CARRIED.

* * * * *

It was moved by Alderman Kiss and seconded by Alderman McCulloch.

RESOLVED: that the Report of the Committee of the Whole on the above Reports, as amended, and resolutions, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling. - 13.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a first time:

A-8,
B-16, B-17,
D-27, D-28, D-29, D-30, D-31, D-32.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps, Christopherson, Agostino, Lombardo, Smith, Jackson, Merling. - 12.

- NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke, seconded by Alderman Kiss, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Smith in the chair.

A-8,
B-16, B-17,

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps,
Christopherson, Agostino, Lombardo, Smith, Jackson, Merling. - 12.

NAYS: 0 - CARRIED.

* * * * *

Consideration of the Bills (second reading).

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the Report of the Committee of the Whole (second reading)
on the Bills, be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps,
Christopherson, Agostino, Lombardo, Smith, Jackson, Merling. - 12.

NAYS: 0 - CARRIED.

* * * * *

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following Bills be now read a third time:

A-8,
B-16, B-17,
D-27, D-28, D-29, D-30, D-31, D-32.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Hinkley, Drury, Copps,
Christopherson, Agostino, Lombardo, Smith, Jackson, Merling. - 12.

NAYS: 0 - CARRIED.

* * * * *

City Council adjourned at 9.45 o'clock, p.m.

* * * * *

C O R R E S P O N D E N C E

Correspondence

1. Application from Mirjana Vucina, 520 Ridge Road, Stoney Creek, Ontario for a change in zoning from "D" (One and Two Family Dwellings, Townhouses, etc.) District to "G3" (Public Parking Lots) District for property at No. 189 Picton Street East.

RECEIVE

2. Application from Dr. Roy Smith, President, Riddrie Developments Inc., 145 Main Street East, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-3" (Public Parking Lots) District for vacant lands at the rear of property municipally known as No. 1502 Main Street East.

RECEIVE

3. Application from S & J Food Distributors Limited, 105 Nebo Road, Hamilton, Ontario for a modification to the "M-14" (Prestige Industrial) District for property at No. 105 Nebo Road.

RECEIVE

4. Application from Alfrin Enterprises Corporation, c/o 720 Main Street East, Hamilton, Ontario for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property located at No. 73 Garfield Avenue South.

RECEIVE

5. Application from 687469 Ontario Incorporated, 78 Queenston Road, Hamilton, Ontario for a further modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District for land at No. 1024 Upper Wentworth Street.

RECEIVE

6. Letter dated March 8, 1990 from the Secretary, Hamilton-Wentworth Regional Board of Commissioners of Police respecting "Pirate" Tow Trucks.

REFER TO FINANCE AND ADMINISTRATION COMMITTEE

Hamilton-Wentworth Regional Board of Commissioners of Police



William M. McCulloch, *Chairman*
Virginia L. Cott, *Vice-Chairman*
Alexander Mouriopoulos, *Commissioner*
Thomas P. Murray, *Commissioner*
Irene M. Staysbyn, *Commissioner*
K. E. Avery, *Secretary*

71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4
TEL. (416) 546-4587, FAX 546-2095

March 8, 1990.

Mr. K. E. Avery,
Clerk,
City of Hamilton,
City Hall,
71 Main St. West,
HAMILTON, Ontario
L8N 3T4

Dear Mr. Avery:

RE; 'PIRATE' TOW TRUCKS.

The Hamilton-Wentworth Regional Board of Commissioners of Police wishes to make you aware of a problem which exists throughout the Region with respect to "Pirate" tow trucks, as outlined in the attached Memorandum.

In order to assist in reducing and controlling this problem the Board of Commissioners of Police is requesting that each area Municipal Council pass a by-law "To Licence and Regulate Tow Trucks". Also, in order to provide uniformity throughout the Region, the Board is having prepared an appropriate draft By-law which will be forwarded to you, when completed, for consideration of your Council.

The co-operation of your Council in this matter will be greatly appreciated.

Yours very truly,


Mr. K. E. Avery,
Secretary,
Hamilton-Wentworth Regional
Board of Commissioners of Police.

KEA/rm
Attch.

2/15/90

HAMILTON-WENTWORTH REGIONAL POLICE

MEMORANDUM

To: Chief Colin Millar

Reference: Pirate Tow Trucks

Sir:

During the past 6 months we have been plagued with complaints from Police contracted towing agencies. They complain that Police dispatched calls are being stolen from them before their trucks arrive at the scene. An investigation has shown that non contract trucks roam or park in strategic areas of the city. When the Police dispatcher sends a cruiser to an MVC, these trucks are notified of the location by someone monitoring our calls. The trucks checked have had phones or radios without Police Bands.

When the pirate arrives at the scene, they solicit the tow offering incentives, immediate courtesy cars, etc. What the customer does not know is that these pirates usually have a deal with several body shops. For each repair job they bring in, they get a fee of 15% of the repair bill.

Metro Toronto had this same problem a few years ago and passed the attached by-law to licence tow trucks. Section 40 prohibits soliciting business at or near accident scenes. More recently the O.P.P. had the problem on the 401 Highway around Toronto. After several assaults between tow truck drivers, the Ministry of Transport Ontario enacted legislation to prohibit solicitation by tow truck operators on Kings Highways.

I request the Board of Commissioners notify the Region of our problem and ask the Region to enact a by-law to licence and regulate tow trucks within the Region.



Walter H. Ireson
Staff Inspector
Traffic Division

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its SEVENTH Report for 1960 and respectfully recommends:

1. That City Council call upon the Federal Government to revisit the recommendations made by the City's "Task Force to Review the Mandate and Structure of the Hamilton Harbour Commission dated January 1960" with specific reference to the structure and composition of the Hamilton Harbour Commissioners.

2. That a purchase order be issued to A. M. Roofing Systems Inc., Hamilton, in the amount of \$41,600 to reroof 125 Barton Street West, Hamilton, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: Lowest of seven (7) quotations received. Funds provided in Operating Supplies Account No. CH 56163 31336.

3. That purchase orders be issued for the supply and delivery of Jobber Automotive Parts to various locations during 1960, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders as follows:

Parkdale Auto Parts, Hamilton

Belts and Hoses - Jobber less 10%
Fran Filters - Jobber less 12%

Wheels, Brakes & Equipment, Hamilton

Dominion Auto Lighting - Jobber less 20%
Kleen-Flo Lubricants and Additives - Jobber less 5%

NOTE: Lowest of nine (9) tenders received. Funds provided in various Automotive Supplies Accounts.

4. (a) That a purchase order be issued to Off-Site Resources Inc., Hamilton, to supply services to the Employee Assistance Program for a twelve month term to start April, 1990 to March, 1991 for a monthly charge of \$5 342.80, with an option in favour of the City to renew for an additional two one year terms, in accordance with specifications issued by the Manager of Purchasing and Vendor's proposal.
- (b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest of three (3) proposals received. Funds provided in Employee Assistance, City, Account No. 142300-57723.

5. That the Liquor Licence Board of Ontario be advised that Hamilton City Council has no objection to the issuance of Special Occasion Permits to St. Mary's Portuguese Church, 148 Park Street North, Hamilton, on the occasion of their annual festivals on the following dates:

1990 June 2 and June 3	- Holy Spirit Feast
1990 June 30 and July 1	- St. Peter Feast
1990 August 10 to August 12	- Our Lady of Angels

conditional upon the following:

"That musical entertainment be discontinued at 11:00 o'clock p.m. and further that all noise regulations and restrictions be strictly observed and adhered to following 11:00 o'clock p.m."

6. (a) That the City of Hamilton endorse and support in principle the 1990 Amstel Light Hamilton Marathon to be held in the City of Hamilton 1990 July 1.
- (b) That support services be provided by Culture and Recreation, Public Works, Property, and City Clerk's Departments.

NOTE: Support for this event is consistent with and similar to that given for the 1989 Marathon. As in the past four years, this request involves support services provided by Culture and Recreation, Public Works, Property, and City Clerk's Departments.

7. That the Salvation Army, Hamilton Temple be granted permission to use the front canopy area of City Hall each year for their Summer Series of outdoor services from the latter part of June to the end of August including the use of City Hall equipment such as chairs, piano, etc.

NOTE: This is a traditional event at City Hall that has been held for the past several years. The Summer Series of outdoor services commences this year on Sunday evening, 1990 June 24 until 1990 August 26 at 6:30 o'clock p.m. No staff overtime is required as the City Hall equipment is set aside each Friday night and the Salvation Army membership ensures that everything is properly set up and removed. The P.A. System and podium are provided by the Salvation Army.

8. That the Appointments To and Terminations from Permanent positions with the Corporation to February 27, 1990, attached hereto and marked Appendix "A", be approved.
9. (a) That the City of Hamilton host the Arts and the Cities spring Ontario Caucus Meeting on Friday, 1990 April 6 in the Council Chambers, as is custom in other Ontario cities.
- (b) That a civic luncheon be provided to the 42 delegates attending this meeting at the Hamilton Art Gallery at a gross cost of approximately \$1 200.
- (c) That this expenditure be financed from Account No. CH 55307 80040, 'Hosting of Conferences with Municipal Subject Content'.
10. (a) That the City of Hamilton host a reception at the conclusion of the Bach Elgar Choir's 'Choralfest '90' Concert on Sunday, 1990 May 6, in the Piano Mobile Lounge in Hamilton Place.
- (b) That the cost of this reception in the approximate amount of \$2 850 be financed from Account No. CH 55314 84210, 'Special Civic Receptions and Dignitaries Hosting'.
11. (a) That the City of Hamilton host a small reception for 45 of the principal guests attending the 'Challenges for International Broadcasting Conference' at the Sheraton Hotel on the evening of Sunday, 1990 March 18.
- (b) That the cost of this reception in the approximate amount of \$200 be financed from Account No. CH 55314 84010, "Special Civic Receptions and Dignitaries Hosting".

12. (a) That a civic reception be provided for the Central Directors and senior management of the Credit Union attending the Fiftieth Annual Meeting of the Credit Union Central of Ontario to be held at the Royal Connaught Hotel 1990 March 29.
- (b) That the cost of this reception in the approximate amount of \$1 300 be financed from Account No. CH 55314 84010, "Special Civic Receptions and Dignitaries Hosting".
13. (a) That the Corporation of the City of Hamilton assume responsibility for payment of legal costs in the amount of \$695.40 incurred by Mayor Morrow in defending himself in the legal action brought against the City of Hamilton and Mayor Morrow by Baldasaro with respect to the agreement between the City of Hamilton and the Hamilton Tiger Cat Football Club.
- (b) That this expenditure be financed from the "Unclassified Expenditure" Account.
- (c) That the City Solicitor be authorized and directed to prepare the necessary by-law to give effect to this resolution.

NOTE: Section 248 of the Municipal Act provides for a municipality to pass a by-law at anytime to provide for the payment of any damages or costs awarded against a member of council or for expenses incurred by a member of council as a result of any action or other proceeding arising out of their actions in their capacity as members of council.

The Acting City Solicitor has reviewed the account and has confirmed that the fees charged are reasonable and fair. In addition he has advised that it is acceptable in this instance for the Mayor to retain his personal solicitor.

14. Members of City Council are advised that Mr. Mario Beltrano has been appointed to serve on the Farmers' Market Sub-Committee as a representative of the Stallholders' Association to replace and fill the unexpired term of Mr. Ken Gunson.

NOTE: At their meeting of 1990 February 27, the Farmers' Market Sub-Committee received a request from the Stallholders' Association that Mr. Mario Beltrano replace Mr. Ken Gunson as a representative of the Stallholders' Association due to his absence from the last four Market Sub-Committee meetings.

15. That the statement of the Treasurer summarizing remuneration and expenses paid to Members of Council and Members of Other Bodies for the year 1989, attached hereto and marked Appendix "B", be received by City Council.
16. That leave be granted to introduce the following Bills:
- (a) Bill A-9 A By-law to Authorize the Replacement of Rink Slab and Boards for the Mountain Arena Project.
 - (b) Bill A-10 A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ALDERMAN B. HINKLEY, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

John Thompson, Secretary
1990 March 8
/bc

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Angelo Amore	Traffic Serviceman/ Woman II (A-3)	Traffic	Replacing Mr. N. Vigna - promoted	\$22,717.76 to \$25,607.60	\$22,717.76 per annum (1 of 4)	22/02/90
Ms. Ann Apharian	Receipts Clerk III (E-4)	Treasury	Replacing Ms. L. Cooper - promoted	\$22,691.44 to \$24,634.64	\$24,534.64 per annum (3 of 3)	19/02/90
Mr. Ross Brydges	Lieutenant (C-7/A)	Fire	Replacing Mr. M. H. Cole - promoted	\$47,564.01	\$47,564.01 per annum (1 of 1)	25/02/90
Ms. Lynn Dale	Legislative Assistant I (L)	City Clerk's	Replacing Mr. J. Thompson - promoted	\$38,653.66 to \$45,617.16	\$43,711.20 per annum (4 of 5)	26/02/90
Mr. Thomas L. Durney	Traffic Service Foreman/Woman (13-A)	Traffic	New position as approved in 1989 Budget	\$29,695.64 to \$35,609.60	\$29,695.64 per annum (1 of 3)	29/01/90
Mr. Dennis L. Farkas	Storekeeper II (N-4/A)	Fire	Replacing Mr. R. L. Culliton - retired	\$39,585.21	\$39,585.21 per annum (1 of 1)	05/02/90
Mr. Alexander Gibson	Firefighter (C-5/A)	Fire	Reinstated	\$43,983.74	\$43,983.74 per annum (1 of 1)	29/01/90
Mr. William Gilchrist	Treasury Officer IV- Revenues (J)	Treasury	Replacing Mr. L. Friday - transferred	\$47,805.66 to \$56,355.00	\$56,355.00 per annum (5 of 5)	12/01/90

Prepared 27/02/90

Appendix "A" as referred to in
Section 8 of the SEVENTH Report of
the Finance and Administration
Committee for 1990.

THE CORPORATION OF THE CITY OF HAMILTON

APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Elan S. Gill	Lieutenant (C-7/A)	Fire	Replacing Mr. Wm. Hart - retired	\$47,584.01	\$47,584.01 per annum (1 of 1)	25/02/90
Mr. Douglas Goodman	Supervisor of Payroll (L)	Treasury	Replacing Ms. L. Wilson - resigned	\$38,653.68 to \$45,517.16	\$45,517.16 per annum (5 of 5)	12/02/90
Mr. Joseph Guerretta	Traffic Serviceman/ Woman 1 (A-4)	Traffic	Additional Staff as approved in 1989 Budget	\$24,354.20 to \$27,451.32	\$25,266.80 per annum (2 of 5)	08/01/90
Mr. William E. Hamann	Asphalt Raker (D-9)	Public Works	Replacing Mr. D. Pasquale - deceased	\$28,649.92 to \$29,065.92	\$29,065.92 per annum (2 of 2)	13/02/90
Mr. Michael P. Horvath	Lieutenant (C-7/A)	Fire	Replacing Mr. J. Stasiuk - retired	\$47,584.01	\$47,584.01 per annum (1 of 1)	25/02/90
Mr. Robert Kay	Supervisor of Vehicle and Equipment Repairs (C-9/A)	Fire	Replacing Mr. W. E. Wildish - retired	\$52,392.88	\$52,392.88 per annum (1 of 1)	21/01/90
Mr. James W. Langdon	Truck Driver (Parks) (D-8)	Public Works	Replacing Mr. M. Holmes - transferred	\$28,473.12 to \$28,889.12	\$28,889.12 per annum (2 of 2)	15/01/90
Mr. Joseph Machida	Supervisor of Accounts (L)	Treasury	Replacing Mr. R. Seager - transferred	\$38,653.68 to \$45,517.16	\$45,517.16 per annum (5 of 5)	12/02/90

Prepared 27/02/90

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. George Manning	Sign Painter (A-5)	Traffic	Replacing Mr. T. Durney - promoted	\$25,266.80 to \$29,677.44	\$29,677.44 per annum (5 of 5)	19/02/90
Mr. Gene Penko	Building Inspector (A-12)	Building	Replacing Mr. G. Bowring - retired	\$33,684.76 to \$39,752.96	\$33,684.76 per annum (1 of 5)	19/02/90
Mr. Joseph Sadauskas	Receiver Shipper & Stock Clerk (B-4)	Traffic	New Position approved by Council 31/10/89	\$24,762.92 to \$27,497.06	\$27,497.06 per annum (4 of 4)	05/02/90
Mr. Richard Seager	Assistant Supervisor, Taxation-Reality (L)	Treasury	Replacing Mr. T. Bradbury - transferred	\$36,653.80 to \$45,517.16	\$45,517.76 per annum (5 of 5)	12/03/90
Mr. Barry R. Snetsinger	Director of Marketing/ Promotion (24)	H.E.C.P.I.	Replacing Mr. F. Bogden - resigned	\$75,000.12	\$75,000.12 per annum	15/01/90
Mr. Howard Stott	Motor Mechanic (D-17)	Public Works	Replacing Mr. A. Tabuna - retired	\$34,209.76 to \$34,625.76	\$34,209.76 per annum (1 of 2)	05/02/90
Mr. Brian Vance	Operator II-Garbage Truck Driver (D-9)	Public Works	Replacing Mr. J. Allen - transferred	\$28,649.92 to \$29,065.92	\$29,065.92 per annum (2 of 2)	11/01/90

Prepared 27/02/90

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Pasquale N. Vigna	Traffic Serviceman/ Woman I (A-4)	Traffic	Additional Staff as approved in 1989 Budget	\$24,354.20 to \$27,451.32	\$25,994.28 per annum (3 of 5)	08/01/90
Ms. Marjorie P. Walsh	Clerk Typist III (E-1)	Culture & Recreation	Replacing Ms. S. D. Smith - resigned	\$18,587.92 to \$19,982.56	\$18,587.92 per annum (1 of 3)	19/02/90
Mr. Stan Weir	Traffic Signal Repairman/Woman II (B-6)	Traffic	Replacing Mr. G. Bartolotta - returned to former position	\$25,488.84 to \$30,111.64	\$26,218.40 per annum (2 of 5)	22/01/90

**THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS**

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. R. Craig	Curator (Child Museum)	Culture & Recreation	Resigned	1 year, 8 months	09/02/90
Mr. Wm. Janssen	General Manager Non-Profit Housing	Community Development	Resigned	9 years, 6 months	23/02/90
Mr. D. Pasquale	Asphalt Raker	Public Works	Deceased	19 years, 6 months	29/01/90
Ms. S. D. Smith	Clerk Typist III	Culture & Recreation	Resigned	7 months	02/02/90

City of Hamilton
Treasury

STATEMENT OF THE TREASURER

(Prepared Pursuant to By-Law 79-60 Approved by Council January 29, 1979,
By-Law 79-900 Approved by Council October 30, 1979 and Section 243 of the
Municipal Act, R.S.O. 1990, Chapter 302,

1. REMUNERATION

(a) <u>Members of Council</u>	<u>Salary</u>
Agostino, D.	18,276.38
Agro, V. J.	18,276.38
Christopherson, D. E.	18,276.38
Cooke, T.	18,276.38
Copps, G.	18,276.38
Drury, D.	18,276.38
Gallagher, J.	18,276.38
Hinkley, B.	18,276.38
Jackson, T.	18,276.38
Kiss, M.	18,276.38
Lombardo, F.	18,276.38
McOuille, W.	18,276.38
Merling, E.	18,276.38
Murrow, R.	58,484.80
Murray, T.	18,276.38
Ross, D.	18,276.38
Smith, J.	18,276.38
	<u>350,906.88</u>

* One-third of these amounts deemed to be "Expenses" in accordance with
section 261 of the Municipal Act.

(b) Committee of Adjustment

<u>Member</u>	<u>Honorarium</u>
Dudino, M.	2,100.00
Law, B.	2,100.00
Mindel, J.	2,100.00
Rocchi, F.	2,100.00
Woods, L. G.	2,500.00
	<u>11,000.00</u>

City of Hamilton
Treasury

STATEMENT OF THE TREASURER

(b) Parking Authority Appointees

Adamsen, T.	1,610.63
Alderman Agro, V. J.	2,334.46
Alderman Gallagher, J.	0.00
	<hr/>
	3,945.09

(c) Public Library Appointees

Church, L.	1,451.40
Diebel, P.	135.00
Johnson, D.	1,238.10
MacGillivray, M.	281.75
Radigan, R.	1,591.15
Rogers, P.	1,483.55
	<hr/>
	6,180.95

(d) H.E.C.F.I. Appointees

Alderman Agostino, D.	1,539.85
Alderman Drury, D.	210.00
Alderman Gallagher, J.	420.00
Alderman Jackson, T.	330.00
Alderman McCulloch, W.	230.00
Alderman Merling, H.	100.00
Alderman Murray, T.	165.00
Casey, T.	65.00
Cowell, P.	165.00
DeNardis, F. P.	185.00
Dow, M.	330.00
Kwiatkowski, G.	310.00
Levitt, N.	160.00
McFarland, W.	235.00
Tidball, W. J.	210.00
VanDuzer, A.	245.00
	<hr/>
	4,899.85

1990 February 27

City of Hamilton
Treasury

STATEMENT OF THE TREASURER

(c) License Examining Board

<u>Member</u>	<u>Honorarium</u>
Allick, B.	900.00
Allison, H.	500.00
Birchall, J.	400.00
Gibson, D.	500.00
Groves, L.	400.00
Hewitt, C.	500.00
Holm, M.	400.00
Kaut, H.	400.00
Korz, G.	500.00
Langdon, D.	500.00
MacIntyre, D.	400.00
Sanders, E.	300.00
Skinner, J.	200.00
Taffs, R.	500.00
Walker, J.	400.00
VanDerbeek, P.	400.00
	<hr/>
	7,200.00

2. EXPENSES

(Residence telephone allowance, travelling - registration fee, per diem, accommodation, etc., plus local grant to Mayor)

<u>(a) Members of Council</u>	<u>Amount</u>
Agostino, D.	2,255.84
Agro, V. J.	140.19 **
Christopherson, D. H.	3,103.66
Cooke, T.	1,945.19
Copps, G.	0.00
Drury, D.	3,376.29
Gallagher, J.	340.99
Hinkley, B.	2,982.39
Jackson, T.	140.19 **
Kiss, M.	140.19 **
Lombardo, F.	140.19 **
McCulloch, W.	1,783.85
Merling, H.	375.19
Morrow, R. M.	17,227.93
Murray, T.	2,179.29
Ross, D.	140.19 **
Smith J.	1,814.05
	<hr/>
	38,085.62

**telephone allowance only

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Transport and Environment Committee presents its FOURTH Report for 1990 and respectfully recommends:

1. (a) That the City Solicitor be authorized to make application to District Court Judge under Section 82 of the Registry Act, R.S.O. 1980 for an order stop-up and close the East/West alley south of Barton Street East from Brunswick Street easterly to the North/South alley.
- (b) That the Commissioner of Engineering be authorized and directed to sign an affidavit setting out that no public funds have been expended on the alley to be closed.
- (c) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor, and that the applicant be responsible for all fees payable in District Court.
- (d) That the applicant register a reference plan under The Registry Act, said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, to delineate the manner in which the closed portion is to be distributed among the abutting owners, and that the applicant deposit a reproducible copy of the said plan, with the Regional Surveyor.
- (e) That the Commissioner of Engineering be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval for the proposed closing pursuant to Section 48 of the Regional Municipality of Hamilton-Wentworth Act.
- (f) That the Director of Property be authorized to proceed with the disposition of the subject lands to the abutting owners.
- (g) Provided the Judge's Order to close the highway is granted:
 - (i) That the City Solicitor be directed to prepare a By-law for the sale of the closed highway to the abutting owner(s).
 - (ii) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act, R.S.O. 1980, of the City's intention to pass the By-law.

2. That a purchase order be issued to Fortran Traffic Systems, Scarborough, for the supply and delivery of Vehicle Actuated and Pre-Timed Traffic Controllers as and when required during 1990 in accordance with specifications issued by the Manager of Purchasing and Vendor's tender, as follows:

<u>Vehicle Actuated</u>	
Eight Phase Controller	- \$ 7 868. each
Four Phase Controller	- \$ 6 598. each
Eight Phase Timer	- \$ 2 570. each
 <u>Pre-timed</u>	
Controllers	- \$ 6 307. each
Cabinets	- \$ 5 307. each

Provincial sales tax extra at 8%.

NOTE: Lowest of three (3) tenders received for the Vehicle Actuated and lowest acceptable of five (5) tenders received for the Pre-Timed Controllers. Funds provided in Signals Material Account No. CH56152 75999.

3. That the City Solicitor be authorized and directed to incorporate certain City lands into various streets as outlined in Schedule "A", appended hereto.
4. (a) That the "Career Exchange Opportunities" Group be permitted to display a promotional banner across Main Street West in front of City Hall, from May 14, 1990 to May 21, 1990, with the following message:
- "Job Fair Convention Centre Tuesday May 15th
and Wednesday May 16th, 1990".
- (b) That the Leeds of Hamilton Limited "Bridal Show" be permitted to display a promotional banner across Main Street West in front of City Hall, from December 30, 1991 to January 6, 1992 with the following message:

"Leeds Bridal Show '92
Hamilton Convention Centre January 1992".

NOTE: While there is some concern as to whether or not this organization meets totally the criteria for utilizing the banner facilities, the Committee is of the opinion that permission should be granted inasmuch as this organization has been conducting this Bridal Show annually since 1969; permission has been granted to have a banner for the past 6 years and while the proponents are not a non profit or charitable organization, they do in fact provide exhibit space during the show free of charge to non profit and community organizations.

5. That applications for Inadvertent Encroachment Agreements as set out in Schedule "A" attached hereto, be approved subject to the following provisions:
- (a) That the owner enter into agreements satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (b) That the Mayor and City Clerk be authorized to sign and execute all necessary documents to implement these agreements.
 - (c) That a first year fee and a subsequent annual fee as set out in Schedule "A" be set for this privilege.
- 6.
- (a) That the request by Mr. M. G. McHugh, Solicitor on behalf of the Royal Connaught Hotel to discharge the Encroachment Agreement for 112 King Street East, Instrument No. 355991 C.D.; date of registration February 20, 1986, be approved subject to the satisfaction of the City Solicitor.
 - (b) That the appropriate civic officials be authorized to execute the documents in relation to this discharge.
 - (c) That the applicant pay a fee of \$120. for the discharge.
- NOTE: The Agreement permitted the encroachment of an "Outdoor Boulevard Cafe" which the hotel has determined will no longer be required.
- 7.
- (a) That the submitted schedules for the estimated cost of services in Oakdale Estates, Phase 5, Hamilton in the total amount of \$515 376.23., be adopted for inclusion in the Subdivision Agreements with the Owner.
 - (b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement between the City and the Owner.
 - (c) That the approval of the above clauses be subject to the condition that no work be commenced until the Final Survey Plan and Subdivision Agreement have been registered.
 - (d) That in the event the Subdivider wishes to proceed prior to the registration of the Final Survey Plan, he be permitted to do so at his own risk, providing that he enters into a Standard Agreement for Pre-servicing.
 - (e) That the City's share of the cost of services for this development in the amount of \$45 148.64 be approved, and that the Finance and Administration Committee recommend the financing for this project.

8. That Section 54 of the TWELFTH Report of the Transport and Environment Committee adopted by City Council on June 24, 1986 authorizing an Encroachment Agreement for No. 124 Augusta Street be amended to delete the street name "Augusta" and replace it with the street name "Walnut".
9.
 - (a) That the Albion Falls Neighbourhood be designated as a neighbourhood watch area; and
 - (b) That neighbourhood watch signs for the Albion Falls Neighbourhood be erected and maintained by the City Traffic Department as long as this neighbourhood maintains an active Neighbourhood Watch Program as determined by the Regional Police Department; and
 - (c) That the necessary funds (\$1 400.) be charged to Account No. CH55301 75030 (Neighbourhood Watch Program) - 1990 Budget.
10.
 - (a) That the Randall Neighbourhood be designated as a neighbourhood watch area; and
 - (b) That neighbourhood watch signs for the Randall Neighbourhood be erected and maintained by the City Traffic Department as long as this neighbourhood maintains an active neighbourhood watch program as determined by the Regional Police Department; and
 - (c) That the necessary funds (\$900.) be charged to Account No. CH55301 75030 (Neighbourhood Watch Program) - 1990 Budget.
11.
 - (a) That a stop sign not be erected for traffic eastbound at the intersection of Cumberland and Sanford Avenues; and,
 - (b) That crosswalks be painted across the south and west approaches to the westerly intersection of Cumberland and Sanford Avenues; and
 - (c) That pedestrians be prohibited from crossing Sandford Avenue between the east and west legs of Cumberland Avenue; and
 - (d) That the City Traffic By-law No. 89-72, be amended accordingly.

12. (a) That a "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation be implemented on the south side of Karen Crescent commencing at a point 118 feet east of San Antonio Drive and extending to a point 40 feet easterly therefrom; and
- (b) That the existing "School Bus Loading Zone, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Karen Crescent commencing at a point 258 feet east of San Antonio Drive and extending to a point 200 feet easterly be extended 40 feet westerly such that the regulation commences at a point 218 feet east of San Antonio Drive and extends to a point 240 feet easterly therefrom, and
- (c) That, in accordance with a general by-law provision, the Traffic Department implement a "No Parking, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the south side of Karen Crescent commencing at San Antonio Drive and extending to a point 188 feet easterly therefrom; and
- (d) That the City Traffic By-law No. 89-72 be amended accordingly
13. That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first five applicants residing in the apartment buildings at No. 227 - 231 MacNab Street South.
14. (a) That a "No Stopping" corner clearance be implemented on the north side of Robert Street commencing at Victoria Avenue North and extending to a point 48 feet easterly therefrom; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly
15. (a) That the existing taxi stand on the north side of Rebecca Street commencing at a point 183 feet west of Catharine Street and extending to a point 42 feet westerly therefrom be extended, such that the regulation commences at a point 118 feet west of Catharine and extends to a point 87 feet westerly therefrom; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly

- 16.
- (a) That parking meters on City of Hamilton streets which presently have rates of 50 cents per hour or 60 cents per hour be changed to \$1. per hour; and
 - (b) That parking meters on City of Hamilton streets that presently have rates of 25 cents per hour be changed to 50 cents per hour; and
 - (c) That the Regional Municipality of Hamilton-Wentworth be requested to make the same changes to parking meter rates on Regional roads within Hamilton.
 - (d) That the City Traffic By-law No. 89-72 be amended accordingly; and
 - (e) That the Traffic Department be authorized to hire one or two contract employees to assist in the conversion of the parking meters to the new rates, to a maximum salary expenditure of \$20 000., with this additional salary expenditure to be recovered from the Reserve for Off-Street Parking.

NOTE: The revision of rates as recommended, if applied to all parking meters within the City of Hamilton (including those on both City streets and Regional roads) would result in an increase in revenue to the Reserve for Off-Street Parking of over \$500 000. annually for 1991 and subsequent years.

The cost of converting the parking meter rates will be approximately \$100 000. including only parts and contracted labour. The cost will be financed from the Reserve for Off-Street Parking. The cost does not include labour by employees already on the staff of the City of Hamilton.

The net revenues for 1990 are dependent on initiating the conversion project as soon as possible. Taking into account the cost of conversion and of contracted labour, the net revenue to be realized by the Reserve for Off-Street Parking in 1990 is estimated at between \$75 000. and \$100 000. The final revenues will depend on the exact cost of replacement parts and the speed with which the supplier can provide those parts. The exact costs are dependent on the rate structure and type of coinage chosen. These factors also affect the speed with which the supplier can provide replacement parts for the upgrades.

17. That City Traffic By-law No. 26-72 be amended to provide for the following:

- (a) That a "One Hour Parking Time Limit, 24 hours a day, 7 days a week" regulation be implemented on the south side of Monterey Avenue between Park Row South and Province Street.
- (b) That an "Alternate Side Parking" regulation be implemented in conjunction with the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m. Monday to Friday" regulation on Lalewood Crescent between Sterling Street and Paisley Avenue North such that parking is prohibited on the west side of the street during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July, August, September, October and November; and on the east side of the street from the 16th to the last day of April, May, June, July, August, September, October and November.
- (c) (i) That a "Permit Parking" regulation be implemented on the east side of Grant Avenue between Stinson Street and Alanson Street; and
(ii) That the Director of Traffic Services be authorized to initially issue one parking permit to eligible residents residing in numbers 173, 187 and 193 Grant Avenue and two parking permits to the eligible applicant residing in 183 Grant Avenue; and
(iii) That in the future, if parking permits are available, the Director of Traffic Services be authorized to redistribute parking permits to other eligible applicants residing in the block on a first come first served basis, provided that the maximum number of nine permits is not exceeded.
- (d) That parking be prohibited on the east side of Beland Court from Lucerne Avenue to a point 154 feet southerly therefrom.
- (e) That an "Alternate Side Parking" regulation be implemented on Queen Victoria Drive between Louisa Drive and Quaker Crescent such that parking is prohibited on the east side of the street during the months of December, January, February and March and from the 1st to the 15th of April, May, June, July, August, September, October and November; and on the west side of the street from the 16th to the last day of April, May, June, July, August, September, October and November.

- (f) That "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday, to Friday" regulation be implemented on both sides of West 33rd Street between Bendamere Avenue and Elmwood Avenue.
 - (g)
 - (i) That the existing "No Parking" regulation on the east side of David Avenue which commences at a point 87 feet south of Southbend Road and extends to a point 171 feet southerly therefrom be extended, such that the regulation extends to Crestwood Drive; and
 - (ii) That a "No Parking" regulation be implemented on the north side of Crestwood Drive from David Avenue to a point 98 feet easterly therefrom.
 - (h) That a "Permit Parking" regulation be implemented on the south side of Crestwood Drive, commencing at a point 25 feet east of David Avenue and extending to a point 20 feet easterly therefrom; and that the Director of Traffic Services be authorized to issue one permit to Mr. Thomas Mancini, 159 David Avenue.
18. (a) That southbound traffic on the west leg of Atwater Crescent be required to stop for eastbound and westbound traffic on Marlowe Crescent; and
- (b) That the City Traffic By-law No. 89-72 be amended accordingly.
19. (a) That the existing Commercial Boulevard Parking Agreement registered as Instrument No. 237683 C.D. to the property at No. 111 Frid Street be discharged, at the property owner's expense; and
- (b) That the City Solicitor be directed to process the documents in relation to the discharge of this agreement.

20. (a) That the application by the Mission Services of Hamilton Incorporated, to lease a portion of the boulevard of Murray Street West adjacent to No. 50 Murray Street West, be approved provided that:
- (i) The applicant pays the annual fee in accordance with the fee structure approved by City Council on March 25, 1986 (current is \$50. per year) plus taxes, if any, in addition to the \$10. encroachment insurance charge approved by City Council on February 14, 1984.
 - (ii) The owner pays a one-time \$25. registration fee as approved by City Council on January 14, 1986.
 - (iii) The owner pays a one-time \$150. processing fee, as approved by City Council on January 12, 1988.
 - (iv) The owner complies with the requirements as set out in the policy approved by City Council on June 24, 1975, respecting using a portion of road allowance for parking purposes.
 - (v) Two pre-cast concrete curbs be installed and the parking area be constructed and maintained at the owners expense.
 - (vi) the owner executes an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss.
21. That Regional Council be requested to include a review of Vehicular Traffic Flow within the Durand Neighbourhood in its proposed Mountain Access Study.

NOTE: For the information of the Members of City Council, representatives of the Durand Neighbourhood appeared before the Committee and expressed concern with respect to the volume of vehicular traffic on the residential streets within the neighbourhood. The Committee has authorized and directed the Director of Traffic Services to investigate various possible short term solutions suggested by the residents and report back to the Committee. In addition, the Committee has requested staff to monitor the effects of the increased traffic in the Durand Neighbourhood resulting from the current reconstruction of Main Street and to take steps to limit as much as possible an increase in the traffic flow in the Durand Neighbourhood.

22. That leave be granted to introduce the following Bills:

- (a) Bill B-18 A By-law to Incorporate Block 28, Plan 62M-316 into Balfour Drive
- (b) Bill B-19 A By-law to Incorporate Part 6, Plan 62R-7170 into Rexford Drive
- (c) Bill B-20 A By-law to Incorporate Parts 12 and 15, Plan 62R-6257 into Queen Victoria Drive
- (d) Bill B-21 A By-law to Incorporate Block 26, Plan 62M-562 into Merrilee Crescent
- (e) Bill B-22 A By-law to Incorporate Block S, Plan 62M-224 into Firenze Street
- (f) Bill B-23 A By-law to Authorize the Sale of Raeburn Road, designated as Parts 22, 23, 24 and 25 on Plan 62R-8933
- (g) Bill B-24 A By-law to Amend By-law No. 89-72 to Regulate Traffic
- (h) Bill B-25 A By-law to Amend By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

J. J. Schatz, Acting Secretary
March 5, 1990

mjlw

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason For being Incorporated</u>	<u>File No.</u>
Eva Street	Part 7, Plan 62R-7802	NIL	To provide access and hook-up between Eva Street (as est'd by By-Law No. 88-198) and Eaglewood Drive, Plan 62M-643	S702-39
Presidio Drive	Block 67, Plan 62M-556 Part 10, 62R-9436	NIL	To provide access and hook-up between Presidio Drive (as est'd by By-Law No. 88-151), Presidio Drive, Plan 62M-556 with Presidio Drive, Plan 62M-642	S702-39 & S705-21
Acadia Drive	Block 30, Plan 62M-644	NIL	To provide access and hook-up between Acadia Drive (as est'd by By-Law No. 89-234) to Acadia Drive, Plan 62M-644	S719-57

Schedule "A" as referred to
in Section 3 of the
FOURTH Report of the
Transport and Environment
Committee

SCHEDULE "A"

<u>Incorporating into Street Name</u>	<u>Description of Lands being Incorporated</u>	<u>Financial Implications</u>	<u>Reason For being Incorporated</u>	<u>File No.</u>
Rexford Drive	Block 35, Plan 62M-478	(NIL)	To provide access and hook-up between Rexford Drive on Plans 62M-478 and 62M-629	S718-29 S718-28
Rexford Drive	Block 16 and 17 Plan 62M-455	(NIL)	To provide access and hook-up between Rexford Drive on Plans 62M-455 and 62M-629	S718-30 S718-28
Robson Crescent	Blocks 18 and 19 Plan 62M-455	(NIL)	To provide access and hook-up between Robson Crescent on Plans 62M-455 and 62M-629	S718-28 S718-30

SCHEDULE "A"

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st Year/Annual</u>	<u>File No.</u>
30 Murray Street West	Portion of Building on McNab Street North measuring 0.12' x 22.07'	Findlay & Findlay Barristers & Solicitors 20 Jackson Street West Hamilton, Ontario L8P 1L2	\$125.00/\$20.00	T103-50(858)
140 Locke Street South	Encroachment of concrete steps 8.0 x 1.92 and brick pillars -.78' -.62' -.70' -1.19'	Simpson & Watson Barristers & Solicitors 950 King Street West	\$125.00/\$20.00	T103-50(835)
Avondale (912 Barton Street)	foundation of building on Avondale	Cain, Gzik & Gardener Barristers & Solicitors 340 Main Street East Hamilton, Ontario L8N 1J1	\$46.00/\$20.00	T103-50(855)
309 East Avenue North	concrete steps on East Avenue North measuring 2.5' x 7.5'	Dempster & Dermody & Riley Barristers & Solicitors P.O. Box 736 Station "A" Hamilton, Ontario L8N 3M8	\$125.00/\$20.00	T103-50(857)

Schedule "A" as referred to in Section 5 of the FOURTH Report of the Transport and Environment Committee

SCHEDULE "A"

-Page 2-

<u>Location</u>	<u>Type of Encroachment</u>	<u>Solicitor/Agent</u>	<u>Fees 1st year/Annual</u>	<u>File No.</u>
309 Mary Street	Veranda 7' X 4.2'	Yachetti, Lanza & Restivo Suite 800 105 Main Street East Hamilton, Ontario L8N 3P9	\$125.00/\$20.00	T103-50(839)
435 Osborne Street	Concrete steps 11' X 1.37	Ontario Hydro 700 University Avenue Toronto, Ontario M5G 1K6	\$125.00/\$20.00	T103-50(859)

1990 SUBDIVISION EXPENDITURE SUMMARY

CITY'S SHARE
OF EXPENDITURES

Name of:
- SUBDIVISION
- DEVELOPER
- CONSULTANT
- SURVEYOR

# OF LOTS and LOCATION	SUBDIVISION AGREEMENT AUTHORIZATION	DESCRIPTION OF WORKS	0.3 METRE RESERVE COSTS	NON-RECOVERABLE & OVERSIZED COSTS	TOTAL CITY'S SHARE	TOTAL SUBDIVIDER'S SERVING SHARE	TOTAL COSTS
OAKDALE ESTATES - PHASE 5 428680 ONTARIO LIMITED - Urbex Management Limited - J. David Peters, O.L.S.	88-06-28 P&D 15-88 Item 24(a)	Catch Basins & Connections Curbs & Sidewalks Finished Roads Dead End Barricade Street Lighting	\$1,530.02 \$4,165.18 \$8,662.58 \$0.00 \$708.00	\$0.00 \$0.00 \$30,082.86 \$0.00 \$0.00	\$45,148.64	\$470,227.59	\$515,376.23

B-15

SCHEDULE "A"

TOTALS:

\$15,065.78 \$30,082.86 \$45,148.64 \$470,227.59 \$515,376.23

Schedule "A"
as referred to
in Section 7
of the FOURTH
Report of the
Transport and
Environment
Committee

* OVERSIZING EXPENDITURES are Non-Recoverable
* 0.3 METRE RESERVE EXPENDITURES are Fully Recoverable

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Parks and Recreation Committee presents its FOURTH Report for 1990 and respectfully recommends:

1. That an Option to Purchase executed by officials of the Board of Education for the City of Hamilton on 1989 December 20, and scheduled for closing on or before 1990 March 22, for the purchase by the City of 12 Spruceside Avenue and 13 Mapleside Avenue in the amount of \$760 000 be approved and completed.

NOTE: The property is composed of part of Plan 394, being the resubdivision of Park Lots 7 and 8, J. Mills Survey, being part of Lot 17, Concession 4, formerly in the Township of Barton, more particularly described as Lots 33 and 36, having a frontage of 160 feet (48.76 metres), more or less, along the westerly limit of Spruceside Avenue, bearing municipal number 12 Spruceside Avenue and Lots 42 to 45, having a frontage of 160 feet (48.76 metres) more or less, along the easterly limit of Mapleside Avenue, bearing municipal number 13 Mapleside Avenue.

The purchase price of \$760 000 is to be charged to Account No. CH5X306 00201 - (Reserve for Acquisition of Park Lands), in which sufficient funds are available to finalize this transaction.

Consideration in the amount of \$1 has been paid to the owners, and pursuant to the agreement forms part of the purchase price.

The property is being purchased for parks purposes.

2. That an Option to Purchase executed by Aladino Iachetti and Sylvia Iachetti on 1990 February 12, and scheduled for closing on or before 1990 May 7, for the purchase of the property at 123 Arbour Road, in the amount of \$128 000 be approved and completed.

NOTE: The subject property has a frontage along the easterly limit of Arbour Road of 106.79 feet (32.53 metres) more or less, by a depth of 450.5 feet (137.31 metres) more or less, bearing municipal number 123 Arbour Road. Consideration in the amount of \$1 has been paid to the owners and forms part of the purchase price of \$128 000.

The purchase price of \$128 000 is to be charged to Account No. CH5X306 00201 - (Reserve for Acquisition of Park Lands), in which sufficient funds are available to finalize this transaction.

Consideration in the amount of \$1 has been paid to the owners, and pursuant to the agreement forms part of the purchase price.

The property is required for open space purposes.

3. (a) That a purchase order be issued to Demik Construction Limited, Hamilton in the amount of \$232 700 for the construction of the New Public Works Storage Building & Renovations to the Existing Field House.
- (b) That a contract be entered into with Demik Construction Limited satisfactory to the City Solicitor.

NOTE: Lowest acceptable of six (6) tenders received.

4. That the rental fees for use of the Globe Park diamonds be increased for 1990 as follows:

<u>Existing</u>		<u>Proposed</u>	
<u>Weekday</u>	<u>Weekend</u>	<u>Weekday</u>	<u>Weekend</u>
\$4/hr.	\$5/hr.	\$7/hr.	\$8/hr.
<u>Holidays</u>		<u>Holidays</u>	
\$6/hr.		\$9/hr.	
<u>Tournament (Flat Fee) - Existing</u>		<u>Tournaments (Flat Fee) - Proposed</u>	
Daily until 6:00 p.m.	\$175	Daily until 6:00 p.m.	\$200
Daily until Dusk	\$225	Daily until Dusk	\$250
(Flat Fee applicable til 8:00 p.m. Hourly fee after 8:00 p.m.)			

5. (a) That the Portuguese Association of St. Michael the Archangel be granted permission to sell food and alcoholic beverages on the occasions of the Annual Festival of the Holy Spirit, 1990 June 15, 16, and 17, in the Dundurn Park Pavilion, subject to the following terms and conditions:
- i. Proof of \$2 million dollars Comprehensive General Liability Insurance for Property Damage and Bodily Injury, same to be submitted 30 days in advance, naming the City as co-insured.
 - ii. That the applicant assume responsibility for all labour charges associated with the event (set-up, dismantling, clean-up. etc.)
 - iii. That alcoholic beverages may be served in the confined area of the Pavilion on June 15, 16 (12:00 noon to 12:00 midnight) and Sunday, June 17 (12:00 noon to 10:00 p.m.), upon receipt of approval of the Liquor Licence Board.
 - iv. That special duty officers as deemed necessary by the Hamilton-Wentworth Regional Police be provided at the applicant's expense.
 - v. That a financial statement relative to the sale of alcoholic beverages be submitted within 30 days of the celebrations.

NOTE: Approval required pursuant to Parks By-law No. 77-221.

- (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.

6. (a) That the application by the Feast Committee of the Church of St. Anthony of Padua, to host their annual feast celebration in Ivor Wynne Stadium on Sunday, 1990 June 17, between the hours of 11:00 a.m. to 11:00 p.m. be approved subject to:
- i. The terms and conditions set down in accordance with Schedule B of the Operational Regulations for use of Ivor Wynne Stadium to include provision of \$2 000 000 Comprehensive General Liability Insurance for Property Damage and Bodily Injury naming the City as co-insured.
 - ii. The terms and conditions for Fireworks Display at the Ivor Wynne Stadium as approved by City Council, at its meeting held October of 1987.

- iii. Provision of Public Liability and Property Damage Insurance, naming the City as co-insured in an amount satisfactory to the City.
 - iv. The Licensed Operator providing adequate insurance for his own protection.
 - (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
 - (c) That the Fireworks Display consist of a low level show.
7. (a) That permission be granted to the Hamilton and District Ladies Industrial Softball League to sell beer during the occasion of their softball tournament, scheduled at Globe Park, commencing 1990 May 25 to May 27, under the terms and conditions which include the following:
- i. That proof of \$2 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the City as additional insured, be provided.
 - ii. That the applicant meet all requirements of the Liquor Licence Board of Ontario for issuance of a Special Occasion Permit.
 - iii. That the Concessionaire be contacted to make the necessary arrangements for the provision of food.
 - iv. That the applicant assume responsibility for all labour related costs as a result of this event.
 - v. That Special Duty Officers, as may be deemed necessary by the Hamilton-Wentworth Regional Police, be provided at the applicants expense.
- NOTE: Approval is required pursuant to Parks By-laws 77-221.
- (b) That the terms and conditions be reviewed and monitored by the Special Events/Festival Advisory Team.
8. (a) That the request of Hamilton Holland Club for the City of Hamilton to participate in conducting a Feasibility Study to determine commitment, sponsorship, participation and interest for an annual week long "Dutch Heritage and Cultural Festival" in the City with the inaugural festival to be held in June 1991 be approved.

- (b) That the City's share of the cost of the feasibility study in the amount of \$10 000 be approved.
- (c) That the Finance and Administration Committee be requested to recommend the method of financing.

NOTE: The total cost of the Hamilton Dutch Heritage and Cultural Festival Feasibility Study is \$40 000. Proposed cost sharing for the study includes HRT Consultants, Ministry of State, Netherlands Government and the City of Hamilton.

RESPECTFULLY SUBMITTED,

Lynn Dale,
Secretary

ALDERMAN J. GALLAGHER, ACTING CHAIRMAN
PARKS AND RECREATION COMMITTEE

1990 March 06

/lp

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its SIXTH Report for 1990 and respectfully recommends:

1. That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 240 Quigley Road

(b) 244 Quigley Road

2. That no demolition permit be issued for the properties located at 270-280 King Street East until such time as the owner obtains a building permit. The demolition permit could then be issued in accordance with S33(6) of the Planning Act.

NOTE: City Council at its meeting held Tuesday, 1989 July 25 approved Section 13 of the Seventeenth Report for 1989 of the Planning and Development Committee which also applied the conditions of the Demolition Control By-laws on the properties located at 266-268 King Street East. Both applications will, however, have to be approved by the Planning and Development Committee, under the provisions of the Rental Housing Protection Act, as the upper floors of 266-268 and 270-280 serve a residential use.

3. That two members of the Committee of Adjustment be authorized to attend the 1990 Annual Conference of the Ontario Association of Committees of Adjustment and Consent Authorities to be held for 3 days in June in Sault Ste. Marie, Ontario at an expense not exceeding \$1,000. each to be charged to Account No. CH 55201 10010, Legislative Travelling.
4. That approval be given to Proposed Draft Plan of Condominium Application SA-89-34, "Krystle Manor" Nestex Developments Ltd., owner, to establish a draft plan of condominium located at the west side of Quigley Road, south of Albright Road, subject to the following conditions:
 - (a) That this approval apply to the Plan prepared by A. J. Clarke and Associates Ltd., dated 1989 November 29.
 - (b) That the plan be revised to show modifications as required for truck manoeuvring.
 - (c) That the owner satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

5. (a) That the City of Hamilton endorse the resolution, as shown on the attached marked as Appendix "A", adopted by Cambridge City Council respecting mandatory attendance at L.A.C.A.C. Technical Workshops; and,

(b) That a copy of City Council's endorsement of this resolution be forwarded to Ms. Mary Lou Evans, L.A.C.A.C. Advisor, Ministry of Culture and Communications:

NOTE: The Cambridge resolution requests the reduction in the number of L.A.C.A.C. members required to attend the Ministry of Culture and Communications' Technical Workshops from three to one. Currently a minimum of 3 L.A.C.A.C. members must attend these Workshops in order for the Municipality to qualify for the Provincial Designated Property Grant Programme.

6. That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to Shurguard Mini Storage (Hamilton) Inc., owner, of 1276 Stone Church Road East, to release the property from construction covenants to the City as contained in Deed Instrument 463048 C.D. registered on 1988 June 28.
7. That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 1154 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument 193509 L.T. and 193510 L.T., registered on 1987 June 30.
8. (a) That the Corporation of the City of Hamilton enter into a Lease Amending Agreement dated 1990 February 24, with Second Phase Civic Square Limited, Yale Properties Ltd., and Greater Hamilton Developers Limited in the form attached hereto as Appendix "B", which amends the Ground Lease between the City, Second Phase and Yale dated 1975 November 19, and registered on 1976 August 16, and grants formal approval to Second Phase, Yale and Greater Hamilton to their proposed plans to alter the Improvements as defined in the Ground Lease by expanding same over a portion of Additional Lands (situated on the south side of York Boulevard between Copps Coliseum and the Central Library) to create retail space to house a restaurant at grade level and a health club at the basement level and that the Mayor and City Clerk be authorized to execute this Agreement on behalf of the City.

By entering into this Agreement, the City in its capacity as Lessor under the Ground Lease hereby grants its approval:

- (i) To the plans and drawings of the said alterations and expansion of the retail space contemplating the creation of an additional building coverage of 13,987 square feet to house a restaurant and health club;

- (ii) To the construction of the alterations in accordance with the said plans and the Ground Lease, provided the improvements are not commenced until the Agreement is fully executed and registered;
 - (iii) To the changes to the external appearance of the Improvements resulting from the expansion of the retail space;
 - (iv) To diminish the area of Publicly Useable Open Space of Second Phase by 6,500 square feet, to provide a new plan showing the revised Publicly Useable Open Space and to increase the Net Rentable Area of the Improvements of Second Phase by 13,987 square feet.
- (b) That the Ground Rent payable by Second Phase and Yale to the City of Hamilton in accordance with the terms of the Ground Lease be increased by \$6,713.76 per annum as a result of the expansion of the retail space by 13,987 square feet.
- (c) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 13, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "C" with Second Phase Civic Square Limited for the purpose of the City granting to Second Phase an easement to enter onto and use the truck route (Part 1, 62R-8136) beneath Copps Coliseum as a right-of-way for vehicular access only in a one way direction for the purpose of providing access to the loading dock of Second Phase adjacent to the new restaurant/health club. The easement will be enjoyed and used during the balance of the term of the Ground Lease to Second Phase less one day, namely commencing on the date hereof and ending on 2069 October 30. The City shall operate, maintain and repair the truck route with the costs to be shared amongst the users. It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement.
- (d) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 8, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "D" with Fourth Phase Civic Square Limited for the purpose of the City granting to Fourth Phase an easement to enter onto and use the truck route (Part 1, 62R-8136) beneath Copps Coliseum as a right-of-way for vehicular access only in a one-way direction for Fourth Phase and its suppliers to have access to its truck loading dock. Furthermore, the City agrees that the Lessee shall have the right to have cars exit from Fourth Phase's existing parking garage exit door into the truck route for egress to York Boulevard. The City and Fourth Phase agree that when it is mutually determined by the City and Fourth Phase that there is an unusual problem in the truck route (such as security, excessive traffic, Copps Coliseum shows, etc.) the said parking garage exit door will be closed temporarily to prohibit cars from exiting into the truck route.

The City shall operate, maintain and repair the truck route with the costs to be shared amongst the users.

Fourth Phase agrees that it does not have vehicular access easement rights over lands used by Copps Coliseum for its loading dock and parking area. (Parts 2 and 3, Plan 62R-8136).

- (e) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 12, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "E" with Second Phase Civic Square Limited for the purpose of granting to the City an easement to enter onto and use a portion of land leased to Second Phase (Part 4, Plan 62R-8136) as a right-of-way for vehicular access only in a one way (east to west) direction. The vehicular access route is to be used for trucks and other vehicles delivering or removing goods to and from the City's Library/Farmer's Market Complex.

The easement will be enjoyed and used during the term of the Ground Lease to Second Phase less one day namely, commencing on the date hereof and ending on 2069 October 30.

It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement.

- (f) That the Corporation of the City of Hamilton enter into an Easement Agreement dated 1990 February 26, incorporating the provisions set out in a Draft Agreement annexed hereto as Appendix "F" with Second Phase Civic Square Limited for the purpose of the City granting to Second Phase an easement to enter onto and use the truck route along the rear of the Library/Farmer's Market Complex as a right of way for vehicular access only in a one way direction commencing at the easterly limit of the City's truck route and continuing along the route to connect with the Second Phase truck route for the purpose of using a loading dock or docks which may abut the Second Phase truck route in the future. The easement will be enjoyed and used during the balance of the term of the Ground Lease to Second Phase less one day, namely commencing on the date hereof and ending on 2069 October 30. The City shall operate, maintain and repair the truck route with the costs to be shared amongst the users. It is further recommended that the Mayor and City Clerk be authorized to execute this Agreement.

9. That approval be given to Zoning Application 89-116, Peter and Anneliese Schaller, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing two-family dwelling, for property located at 81 Myrtle Avenue, as shown on the attached map marked as Appendix "G", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special provisions:
- (i) That notwithstanding Section 19(vi) of Zoning By-law No. 6593, a two-family dwelling shall be permitted having a minimum lot area of 238.0 m²;
 - (ii) That notwithstanding the requirements of Section 18A of Zoning By-law No. 6593, a minimum of two parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long shall be provided and maintained on the lot;
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1165, and the subject lands on Zoning District Map E-23 be notated S-1165;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-23 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District regulations for property located at 81 Myrtle Avenue.

The effect of the By-law is to legalize the existing two-family dwelling and require a minimum of two parking spaces on-site.

10. (a) That approval be given to Proposed Draft Plan of Subdivision Application SA-89-14, Valery Construction Ltd., owner, to establish a draft plan of subdivision, located south of Mud Street and west of Upper Mount Albion Road, subject to the following conditions:
- (i) That approval apply to the area of the plan within the City of Hamilton, as prepared by Ashenhurst Nouwens Limited, dated 1989 January 24, revised to show a cul-de-sac bulb at the location of the future closing of Mud Street and probable realignment of Lots 1 to 4 inclusive.

- (ii) That the streets within the City of Hamilton be dedicated to the City as public highways on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton.
 - (iv) That the final plan conform to the zoning by-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (vii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
 - (viii) That Block "81" be set aside for future development.
 - (ix) That the Subdivision Agreement make specific provision that building permits will not be available for lots fronting onto or having direct access to Mud Street, until such time as Mud Street is realigned to the south.
 - (x) That the owner comply with the Development Standards to Control the Effects of Freeway Noise as adopted by Council on 1973 October 9, and subsequent amendments.
 - (xi) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-14), Valery Construction Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

11. That approval be given to amended Zoning Application 89-80, C. Valery Construction, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, to permit small lot single-family dwellings, for property located on the south side of Mud Street and west of the City Limits, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79B for presentation to City Council; and,
- (c) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for property located on the south side of Mud Street and west of the City Limits.

The effect of the By-law is to permit small lot single-family development in conjunction with the adjacent lands to the south in the City of Stoney Creek.

12. (a) That approval be given to City Initiative 89-I, The Parking Authority for the City of Hamilton, owner, requesting a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for properties located at 207, 209 and 211 Hughson Street North, as shown on the attached map marked as Appendix "I", on the following basis:

- (i) That the subject lands be rezoned from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District;
- (ii) That the "G-3" (Public Parking Lots) District regulations as contained in Section 13C of Zoning By-law No. 6593 be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 13C(3) of Zoning By-law No. 6593 only the following provisions shall apply:
 - (a) That a minimum 1.5 m wide landscaped strip be provided and maintained along the southerly side lot line;

- (b) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the southerly side lot line;
 - (c) That a minimum 1.5 m wide landscaped strip shall be provided and maintained along the lot line adjoining Hughson Street North, except for any area used for access driveway(s).
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1167, and that the subject lands on Zoning District Map E-3 be notated S-1167;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council;
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (vi) That the Beasley Neighbourhood Plan be amended by redesignating the subject lands to "Commercial".
- (b) That the Amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved.

NOTE: The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District to "G-3" (Public Parking Lots) District, for properties located at 207, 209 and 211 Hughson Street North. The effect of the By-law is to permit a municipal parking lot.

In addition, the By-law provides for the following variances as special requirements:

- (i) To require a minimum 1.5 m wide landscaped strip to be provided and maintained along the southerly side lot line;
- (ii) To require a visual barrier not less than 1.2 m in height nor more than 2.0 m in height to be provided and maintained along the southerly side lot line; and,
- (iii) To require a minimum 1.5 m wide landscaped strip to be provided and maintained along the lot line adjoining Hughson Street North, except for any area used for access driveway(s).

13. That approval be given to Zoning Application 89-134, Hamilton General Homes (1971) Ltd., owner, requesting a further modification to the "G-4" (Designed Shopping Centre) District regulations, to add a video store and gift shop to the list of permitted uses under the "G-4" District, for the properties located at 25 Redmond Drive and 549 Stone Church Road East, as shown on the attached maps marked as Appendixes "J" and "K", on the following basis:
- (a) That By-laws 88-267 and 89-326 be repealed in their entirety.
 - (b) That Block "1", as shown on Appendix "K", be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Centre) District;
 - (c) That Block "2", as shown on Appendix "K", be rezoned from "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District;
 - (d) That the "G-4" (Designed Neighbourhood Shopping Centre) District regulations as contained in Section 13D of Zoning By-law No. 6593, applicable to Blocks "1" and "2", as shown on Appendix "K", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 13D(1)B, the following additional commercial uses shall be permitted:
 - (1.) video store;
 - (2.) gift shop.
 - (ii) That notwithstanding Section 13D(1)B, the following commercial uses shall be prohibited:
 - (1.) restaurant or refreshment room with or without any dancing or other entertainment including music;
 - (2.) outdoor patio.
 - (iii) That notwithstanding clause b), the following commercial use shall be permitted within the existing building located at 549 Stone Church Road East, shown as Block "1" on Appendix "K";
 - (1.) restaurant excluding a refreshment room without any dancing or other entertainment except music.
 - (iv) That Section 13D(5) shall not apply.
 - (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1166, and that the subject lands on Zoning District Map E-27C be notated S-1166;

- (f) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (g) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to repeal By-laws 88-267 and 89-326 applicable to the subject lands, and to provide for changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District, modified, for the properties located at 25 Redmond Drive and 549 Stone Church Road East.

The effect of the by-law is to permit the development of the subject lands for a neighbourhood shopping centre.

In addition, the by-law provides for the following variances:

- (a) To permit a video store and gift shop in addition to the permitted uses in the "G-4" District;
- (b) To prohibit a restaurant or refreshment room with or without any dancing or other entertainment including music, and an outdoor patio.
- (c) To allow a restaurant (excluding a refreshment room) without any dancing or other entertainment except music, only within the existing stone house at 549 Stone Church Road East;
- (d) The provisions for maximum lot depth and maximum lot area shall not apply.

14. That approval be given to amended Zoning Application 89-91, 822827 Ontario Inc. (A. DiSilvestro, E. Parente, and N. Zaffiro), owners, requesting a further modification to the established "G-1" (Designed Shopping Centre) District to permit additional commercial uses, for property located at the northwest corner of Rymal Road East and Upper Wentworth Street, as shown on the attached map marked as Appendix "L", on the following basis:

- (a) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 as amended by By-law No. 88-241, applicable to the subject lands, be further modified to include the following as a special provision:
 - (i) That subsection (a) of Section 2 of By-law No. 88-241 be deleted and the following substituted therefore:
 - (1.) Notwithstanding section 13A(1) of By-law No. 6593, the following

Commercial Uses shall be prohibited:

- (a) A restaurant or refreshment room.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1087a, and the subject land on Zoning District Maps E-18D and E-18E be notated S-1087a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide a further modification to the "G-1" (Designed Shopping Centre) District for property located at the northwest corner of Rymal Road East and Upper Wentworth Street.

The effect of the By-law is to permit the following additional commercial uses:

- (a) A manual car wash;
- (b) A mechanical car wash;
- (c) A coin-operated car wash;
- (d) A high-speed mechanical car wash; and,
- (e) An automobile service station.

15. (a) That approval be given to Zoning Application 89-122, Ahmad Jan Karchi, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District to legalize the established three-family dwelling located at 773 Lawrence Road, as shown on the attached map marked as Appendix "M", on the following basis:

- (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Sections 19(iii) and (vi) of By-law No. 6593 a maximum of three dwelling units shall be permitted within the building existing at the date of passing of this By-law, of which one dwelling unit shall have a minimum floor area of 49.0 m²;
 - (2.) That notwithstanding the requirements of Section 18A of By-law No. 6593 a minimum of three parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long, shall be provided and maintained on the lot.

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1164, and that the subject lands on Zoning District Map E-66 be notated S-1164;
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-66 for presentation to City Council;
 - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That Schedule "B" to By-law No. 79-275, as amended by By-law 87-223, respecting Site Plan Control, be further amended by adding the lands.
 - (c) That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved.

NOTE: The purpose of the by-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations for property located at 773 Lawrence Road.

The effect of the By-law is to permit the conversion of the existing building to contain a maximum of three dwelling units.

In addition, the By-law provides for the following variances as special requirements:

- (a) To permit one of the dwelling units to have a minimum floor area of 49.0 m², whereas 65.0 m² is required; and,
- (b) To require a minimum of three parking spaces having dimensions of not less than 2.7 m wide and 6.0 m long to be provided and maintained on the lot.

- 16. That approval be given to City Initiative 89-F, to amend Zoning By-law No. 6593 respecting the provisions for "Townhouses" and "Maisonettes" on the following basis:

- (a) That Section 2.(2)A.(viib) of Zoning By-law No. 6593 be amended by deleting the phrase "...not more than eight single-family dwelling units but...", so that it shall read as follows:

"(viib) "Dwelling, Townhouse", shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than three single-family dwelling units attached to each other, side by side, in one row and in substantial harmony with each other, each of which dwelling units,

- (a) Has separate front and rear entrances or separate front and side entrances; and
 - (b) Is joined on one or both sides by a party wall to another dwelling unit in the same row;"
- (b) That Section 2.(2)A.(viic) of Zoning By-law No. 6593 be amended by deleting the phrase "...not more than sixteen single-family dwelling units, but...", and by adding "and constructed" after "designed" so that it shall read as follows:

"(viic) "Dwelling, Maisonette" shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not less than six single-family dwelling units, fully attached to each other, side by side, in two rows arranged back to back and in substantial harmony with each other, each of which dwelling units,

- (a) Has a separate front entrance; and
 - (b) Is joined on one or both sides by a party wall to another dwelling unit in the same row; and
 - (c) Is joined by a common vertical back wall extending the length of the building."
- (c) That the "RT-10" (Townhouse) District provisions as contained in Section 10D of Zoning By-law No. 6593, be amended by adding a subsection to the following effect:

Dwelling Unit Placement

- (17) Not more than eight single-family dwelling units shall be attached in a continuous row.
- (d) That "RT-20" (Townhouse - Maisonette) District provisions as contained in Section 10E of Zoning By-law No. 6593, be amended by adding a new subsection to the following effect:

Dwelling Unit Placement

- (17) (a) For townhouses, not more than eight single-family dwelling units shall be attached in a continuous row.
- (b) For maisonettes, not more than sixteen single-family dwelling units shall be provided in one block, and not more than eight single-family dwelling units shall be attached in a continuous row.

- (e) That the "RT-30" (Street-Townhouse) District provisions as contained in Section 10F of Zoning By-law No. 6593, be amended by adding a new subsection to the following effect:

Dwelling Unit Placement

- (9) Not more than eight single-family dwelling units shall be attached in a continuous row.

- (f) That the "Floor Area Ratio" provisions as contained in subsections 10B(5) - "DE2" (Multiple Dwellings) Districts; 10C(5) - "DE3" (Multiple Dwellings) Districts; 11(5) - "E" (Multiple Dwellings, Lodges, Clubs, etc.) Districts; 11A(5) - "E1" (Multiple Dwellings, Lodges, Clubs, etc.) Districts; 11B(5) - "E2" (Multiple Dwellings, Lodges, Clubs, etc.) Districts and 11C(4) - "E3" (High Density Multiple Dwellings) Districts be amended by adding a special provision to the following effect:

"Except, that where a multiple dwelling has a townhouse component the "Intensity of Use" requirements for the townhouse dwelling shall be calculated separately, and the floor area ratio for the remainder of the multiple dwelling shall be adjusted."

- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 by clarifying the definition and regulations for "Townhouse" and "Maisonette" dwellings.

The effect of the By-law is to prohibit more than eight (8) single-family dwelling units being attached in a continuous row for a "Townhouse" and "street-townhouse" dwelling; and not more than sixteen (16) single-family dwelling units in one block, of which not more than eight (8) shall be attached in a continuous row for a "Maisonette" dwelling.

In addition, the floor area ratio provisions for the multiple dwelling districts (i.e. "DE2", "DE3", "E", "E1", "E2" and "E3") have been amended so that where a multiple dwelling is designed/constructed to contain a "Townhouse" component, the "Intensity of Use" requirements (i.e. density) for the "Townhouse" dwelling will be calculated separately, and the gross floor area for the remainder of the multiple dwelling will be adjusted accordingly.

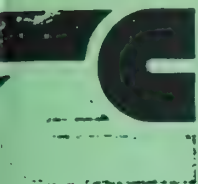
17. That leave be granted to introduce the following bills:

- (a) Bill D-33 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 85-213 respecting land located at Municipal No. 65 Walnut Street South.
- (b) Bill D-34 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 70-200 and By-law No. 86-115 respecting land located at Municipal No. 1000 Upper Gage Avenue.
- (c) Bill D-35 A By-law to amend Zoning By-law No. 6593 as amended by By-law No. 81-305 and to repeal By-law No. 83-83 respecting land located at Municipal No. 1036 Upper Wentworth Street.
- (d) Bill D-36 A By-law to amend Zoning By-law No. 6593 as amended by Zoning By-law No. 75-136 respecting land located at Municipal No. 186 Hunter Street East.
- (e) Bill D-37 A By-law to amend Zoning By-law No. 87-118 and Zoning By-law No. 6593 respecting lands located at Municipal Nos. 1489 to 1495 Upper Gage Avenue.

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 March 7



The Corporation
of the City
of Cambridge

Local Architectural Co
P.O. Box 669,
Cambridge, Ontario N1F
Telephone: (519) 623-1

February 14, 1990

File: AC-65

Mrs. Dianne Dent
LACAC Chairperson
City of Hamilton
c/o City Clerk
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mrs. Dent:

Re: Mandatory Attendance at Technical Workshops

At their meeting of December 14, 1989 the Cambridge Local Architectural Conservation Advisory Committee discussed the Designated Property Grant agreement as signed by the Corporation of the City of Cambridge and the Ministry of Culture and Communications, specifically article 3. The Committee made the following recommendation which was subsequently approved by Council on January 22, 1990:

WHEREAS pursuant to an agreement entitled "Designated Property Grant Agreement:", Article 3, a specific number of LACAC members must attend one seminar annually as prescribed by the Ministry of Culture and Communications;

AND WHEREAS the Ministry has requested a minimum of three LACAC members and one staff member to attend a Technical Workshop in the Fall;

AND WHEREAS the members of LACAC are volunteers and, as such, their time commitments do not always coincide with that of the Ministry's workshop schedule;

THEREFORE the Ministry of Culture and Communications be requested to reduce the minimum number of LACAC representatives to one, plus one municipal staff member

AND THAT this resolution be circulated to all LACAC's.

Appendix "A" as referred to
in Section 5 of the SIXTH
Report for 1990 of the
Planning & Development
Committee.

AMENDMENT TO GROUND LEASE

THIS AGREEMENT made as of the 24th day of January, 1990.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

(herein called "the City")

OF THE FIRST PART

- and -

SECOND PHASE CIVIC SQUARE LIMITED

(herein called "Second Phase")

OF THE SECOND PART

- and -

YALE PROPERTIES LTD.

(herein called "Yale")

OF THE THIRD PART

GREATER HAMILTON DEVELOPERS LIMITED

(herein called "Greater Hamilton")

OF THE FOURTH PART

WHEREAS:

(a) Under a Development Agreement (hereinafter called the "Development Agreement"), dated September 3, 1970, the City, Greater Hamilton and Yale, did agree on the development and leasing of land, which Agreement was registered in the Registry Office for the Registry Division of Wentworth on the 30th day of March, 1971 as Instrument No. 199965A.B. and has been subsequently amended several times by registered Amending Agreements;

(b) By a Designation Agreement dated as of the 13th day of November, 1975, (herein called the "Designation Agreement") and registered in the said Registry Office on the 16th day of August, 1976 as Instrument No. 21610C.D., between the City, Second Phase, Greater Hamilton and Yale, Greater Hamilton granted all of its rights and obligations under and pursuant to the Development Agreement as they relate to Part Two (as defined therein) to Second Phase;

Appendix "E" as referred to in Section 8(a) of the SIXTH Report for 1990 of the Planning & Development Committee.

(c) By a Ground Lease dated as of the 19th day of November, 1975, (herein called the "Ground Lease") registered in the said Registry Office on the 16th day of August, 1976, as Instrument No. 21613C.D., between the City, as Lessor, Second Phase, as Lessee and Yale as Guarantor, the City leased to Second Phase the demised premises more particularly described in Schedule "A" attached thereto;

(d) By an Agreement dated as of the 15th day of November, 1975, (herein called the "Planning Act Agreement") registered in the said Registry Office on the 16th day of August, 1976 as Instrument No. 21610C.D., Second Phase and Yale agreed with the City in accordance with subsection 9 of section 22 of The Planning Act, R.S.O., 1970, c. 349 as amended;

(e) Pursuant to an Agreement dated as of the 30th day of November, 1976 (herein called the "Licence Agreement") the parties hereto agreed that subject to certain conditions precedent being fulfilled, as set out in the Licence Agreement, the Ground Lease would be amended by including with the demised premises (as defined in Section 1.01(b) of the Ground Lease) certain additional land comprising 13,987 square feet and described in Schedule No. 5 hereto annexed (the "Additional Land") so that the demised premises under the Ground Lease shall be composed of the lands described in Schedule No. 1 hereto annexed;

(f) The matters in recital (e) were authorized by Addendum Number 8 dated November, 1976, being an amendment to the Redevelopment Plan entitled "Civic Square Urban Renewal Scheme, City of Hamilton" dated October, 1965, as prepared by Murray V. Jones and Associates Limited, in conjunction with the Urban Renewal Committee of the City of Hamilton, which Addendum was authorized and passed by By-law No. 77-70 of the City on the 29th day of March, 1977;

(g) Section 14.01 of the Ground Lease provides, amongst other things, that the City may lease to Second Phase and Second Phase may take and rent from the City, any additional land and that in such event, the City and Second Phase will execute a supplemental lease therefor for the balance of the term, thereof subject to such conditions

as may then be agreed upon in the supplemental lease and otherwise subject to the conditions of the Ground Lease.

(h) Section 23.04 of the Ground Lease provides that "This lease may not be modified or amended except by an instrument in writing of equal formality herewith executed by the parties hereto or by their successors or assigns";

(i) Second Phase wishes to alter the Improvements (as defined in the Ground Lease) by expanding the same over a portion of the Additional Land which will result in a reduction of the Publicly Usable Open Space (as defined in the Ground Lease);

(j) Second Phase has submitted to the City, plans of the proposed expansion of the Improvements (as required by Section 6.04 of the Ground Lease) prepared by Arthur C. F. Lau, Architect. These plans included the following:

(a) plan titled "Restaurant Extension - Plan at Promenade Level" dated June, 1989;

(b) plan titled "Basement Plan";

(c) plan titled "Plan at Plaza Level";

The foregoing plans and other plans in the possession of the City have been initialled by Second Phase's architect or by an officer of Second Phase and the corporate seal of Second Phase affixed thereto. (Herein, those plans are referred to as the "Plans" and the alterations of the Improvements as detailed in the Plans are herein referred to as the "Alterations");

(k) Second Phase has applied to the City as lessor, for its approvals pursuant to the Ground Lease for the Alterations including a reduction in the area of the Publicly Usable Open Space.

(l) Second Phase intends to finance the Alterations and the proposed expansion of the Improvements by obtaining a mortgage or charge secured against its leasehold interest in the Ground Lease.

NOW THEREFORE IN CONSIDERATION of the sum of One Dollar (\$1.00) paid by each of the parties hereto to the others (receipt whereof is hereby acknowledged) and the covenants hereinafter contained, it is agreed by and between Second Phase, Yale, Greater Hamilton and the City as follows:

1. The Ground Lease is hereby amended by deleting Schedule "A" thereto and substituting therefor Schedule No. 1 attached hereto identified as "Schedule "A" - Revised description Part 2 Lloyd D. Jackson Square".

2. The Ground Lease is hereby amended by deleting Schedule "B" thereto titled "Plan showing Publicly Usable Open Space" and substituting therefor the schedule attached hereto identified as "Schedule No. 2 - Revised Plan showing Publicly Usable Open Space" and is noted as revised June 9, 1989;

3. The phrase "Part Two" in the Designation Agreement shall be deemed to mean Part Two as shown on Schedule "A" of the Development Agreement as that Schedule has been substituted pursuant to paragraph numbered 1 of this Agreement.

4. The Planning Act Agreement is hereby amended by deleting Schedule "A" thereto and substituting therefor said Schedule No. 1 attached hereto.

5. Upon the execution, delivery and registration of this Indenture, the Licence Agreement shall terminate.

6. That the City, solely in its capacity as Lessor under the Ground Lease, hereby grants its approval pursuant to sections 4.05 and 6.04 of the Ground Lease:

- (a) To the Plans for the construction of the Alterations;
- (b) To the construction of the Alterations in accordance with the Plans and the requirements of the Ground Lease, provided that the Alterations are not commenced until this Agreement is fully executed by all parties and registered on title to the land described in said Schedule No. 1;
- (c) To the changes to the external appearance of the Improvements of Second Phase resulting from the Alterations;
- (d) To diminish the area of Publicly Usable Open Space of Second Phase by 6,500 square feet;
- (e) To increase the Net Rentable Area of the Improvements of Second Phase (referred to in Section 4.05 of the Ground Lease) by 14,000 square feet.

7. (a) The City acknowledges having received the Plans from Second Phase and a Certificate of the cost estimates of the Alterations (as required by Section 6.04 of the Ground Lease).

(b) As the cost estimates of the Alterations are in excess of \$250,000.00, the City requires (pursuant to Section 6.04 of the Ground Lease) that Second Phase, prior to the commencement of the Alterations, produce to the City an executed copy of the contract(s) for the construction of the Alterations and that such contract(s) shall comply with the provisions of Section 6.04 of the Ground Lease.

8. (a) Second Phase covenants and agrees that construction and completion of construction of the Alterations by Second Phase is governed by the following covenant of Second Phase to the City in the Ground Lease:

"The Lessee covenants and agrees that any alterations or other additional work once begun shall be prosecuted with reasonable diligence to completion free and clear of any and all mechanics' liens or other liens, conditional sale contracts, chattel mortgages or similar claims or encumbrances against the demised premises, the Improvements, the Lessor or any mortgagee, and performed in all respects in accordance with the law." (Section 6.04)

(b) Second Phase hereby expressly confirms that the Alterations will be specifically governed by the said quoted covenant in Section 6.04 of the Ground Lease and other applicable provisions of the Ground Lease as well as all of the provisions of this Agreement.

(c) Second Phase confirms and agrees that the rights and remedies of the City pursuant to this Agreement and pursuant to the Ground Lease are cumulative and not alternatives or exclusive or dependent upon each other, but the City may, from time to time, exercise any one or more of such remedies generally or in combination.

9. Second Phase acknowledges and agrees:

(i) That the Net Rentable Area of the Improvements of Second Phase prior to construction of the Alterations is 269,960 square feet;

(ii) That the Net Rentable Area of the Retail Commercial Space (Concourse Level) prior to the construction of the Alterations is 111,760 square feet;

(iii) That the Net Rentable Area of the Retail Commercial Space (Basement Level) prior to the construction of the Alterations is Nil;

(iv) That the area of the Publicly Usable Open Space prior to the construction of the Alterations is 82,000 square feet;

(v) That the total Net Rentable Area of the Retail Commercial Space (Concourse Level) after construction of the Alterations will be 118,260 square feet;

(vi) That the Net Rentable Area of the Retail Commercial Space (Basement Level) after construction of the Alterations will be 7,500 square feet;

(vii) That the area of the Publicly Usable Open Space after the construction of the Improvements will be 75,500 square feet;

(viii) That the total Net Rentable Area of the Improvements after construction of the Alterations will be 283,960 square feet.

10. In the event that after construction of the Alterations there is, in the reasonable opinion of the City, a significant discrepancy in any of the areas referred to in paragraph 6(v), (vi), (vii) and (viii) as constructed and the areas referred to in this Agreement, the parties shall enter into a further Agreement.

11. Schedule "B-14, Page 2" of the Development Agreement titled "Description of Improvements" is hereby amended by deleting the section thereof under the subheading "Phase Two" and substituting therefor the revised description of the Phase Two Improvements attached hereto as Schedule No. 3 titled "Description of Improvements B-14 Page 2 (revised August 1, 1989)".

12. Schedule "B-13" of the Development Agreement titled "Publicly Usable Open Space" is hereby deleted and a revised Map of Publicly Usable Open Space attached hereto as Schedule No. 4 is substituted therefor.

13. The parties acknowledge that notwithstanding that as of the date hereof, the Improvements of Second Phase have not been certified as completed by the Review Authority pursuant to Section 4.05(b) of the Development Agreement, this Agreement has been entered into as if the Improvements have been certified as completed on or about April, 1977, at which time the total Net Rentable Area of the Improvements as constructed was 269,960 square feet.

14. Second Phase acknowledges that the approvals of the City as Lessor in this Agreement do not and are not intended to indicate in any way whatsoever, compliance by Second Phase with the City's zoning by-laws or other by-laws and standards, or the standards, by-laws, regulations or laws of any other level of government.

15. Second Phase shall indemnify the City against all claims by any person arising from the construction of the Alterations or any other thing whatsoever related thereto whether arising from any breach or default or negligence by Second Phase, its tenants, agents, contractors, employees, invitees or licensees or from any accident, injury or damage or any other cause whatsoever related thereto; and such indemnity shall extend to all costs, legal fees, expenses and liabilities which the City may incur with respect to any such claim.

16. The Development Agreement, Designation Agreement, Ground Lease and Planning Act Agreement are hereby ratified and confirmed and are in full force and effect as amended hereby.

17. This Indenture shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

18. (a) This Agreement is subject to and shall not take effect until the approval of the same by the Ontario Provincial Minister of Municipal Affairs and Housing and Canada Mortgage and Housing Corporation, have been obtained, if necessary.

(b) The City will apply for the approval set out above and take all necessary steps for such applications forthwith after approval of this Agreement by its council.

19. The phrase "FIRST MORTGAGE" beneath the heading "ARTICLE XVI" on page 54 of the Ground Lease and Section 16.01(d) and Section 16.02 of the Ground Lease are hereby deleted.

20. The Lessee shall register this Agreement on title to the lands described in Schedule No. 1 attached forthwith after the execution of this Agreement.

21. Second Phase covenants and agrees that construction of the Alterations shall not commence until an Easement Agreement dated February 13, 1990 (to provide access along a new truck route defined in the said Easement Agreement to a loading dock to be constructed on the lands described in Schedule No. 5, such Easement Agreement being between the City as Transferor and Second Phase as Transferee) is executed and delivered by the parties thereto and registered on the title to the lands described in Schedule No. 1 attached hereto.

IN WITNESS WHEREOF the parties hereto have caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized for such purposes.

THE CORPORATION OF THE CITY OF HAMILTON

Mayor

City Clerk

SECOND PHASE CIVIC SQUARE LIMITED

President

Secretary

YALE PROPERTIES LTD.

Vice-President

GREATER HAMILTON DEVELOPERS LIMITED

President

Secretary

LIST OF SCHEDULES attached to and forming part of an Agreement dated January 24, 1990 between THE CORPORATION OF THE CITY OF HAMILTON, SECOND PHASE CIVIC SQUARE LIMITED and YALE PROPERTIES LTD.

- SCHEDULE No. 1 - Revised Legal Description of Demised Premises
- SCHEDULE No. 2 - Revised Plan of Publicly Usable Open Space
- SCHEDULE No. 3 - Revised Description of Improvements
- SCHEDULE No. 4 - Revised Plan of Publicly Usable Open Space
(Development Agreement)
- SCHEDULE No. 5 - Legal Description of Additional Land

SCHEDULE NO. 1

SCHEDULE A

Phase Two Lloyd D. Jackson Square
Lease of Space in Shopping Promenade

REVISED
DESCRIPTION OF PART TWO LANDS

FIRSTLY:—

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Andrew Miller's Seven Acre Tract as shown on Registered Plan No. 50 in the block bounded by Market, MacNab, King and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by York, MacNab, Market and Park Streets sometimes known as part of the un-numbered lot according to Sir A. N. MacNab's Survey in the said block, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick, MacNab, York and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick and James Street, Market Square and MacNab Street, all of Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14 and 15 and part of Lots 7 and 10 and part of an alleyway according to Sir A. N. MacNab's Survey in the block bounded by York, MacNab, Market and Park Streets, part of Lots 1 and 2 and the un-numbered lot as shown on D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Market, MacNab, King and Park Streets, part of the said D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Merrick, MacNab, York and Park Streets, parts of Market Street (now closed by City of Hamilton By-laws Nos. 70-276 and 72-270 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Inst. 182918 A.B. and 270101 A.B.) parts of York Street (now closed by City of Hamilton By-laws Nos. 70-278 and 72-271 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Insts. 182920 A.B. and 278102 A.B.), part of MacNab Street (now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Int. 182919 A.B.), part of Market Square (now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970 and registered as Inst. No. 182921 A.B.) and which said parcel may be more particularly described as follows:—

Premising that all bearings herein are astronomic and are derived from the Ontario Co-ordinate System, Zone 10 Central Meridian 79° 30' West Longitude.

Commencing at a point in the northern limit of King Street as widened by City of Hamilton Bylaw No. 70-336 dated November 10th, 1970 and registered as Inst. 187452 A.B., distant therein North 69°19'50" West Five hundred and eighteen point one three feet (518.13') from the western limit of James Street as widened by City of Hamilton By-law No. 70-335 dated November 10th, 1970 and registered as Inst. No. 187451 A.B.

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, One hundred and sixty-two point five six feet (162.56').

Thence South 72°09'10" East Fifty point zero feet (50.0').

Thence North 17°50'50" East parallel to said western limit of James Street as widened, Two hundred and twenty-seven point eight six feet (227.86').

Thence South 72°09'10" East One hundred and thirty-eight point one seven (138.17'), more or less to a south west corner of the existing Market Ramp Garage.

Thence North 17°59'40" East along the western face of a western wall of the said Market Ramp Garage, Thirteen point two seven feet (13.27') to an angle therein.

Thence North 71°57'55" West along the southern face of a southern wall of the said Market Ramp Garage, Thirteen point zero one feet (13.01') to an angle therein.

Thence North 17°59'40" East along a western face of a western wall of the said Market Ramp Garage, Eighty-nine point eight nine feet (89.89').

Thence North 72°09'10" West, Three hundred and fifty-three point five zero (353.50').

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, twenty-nine point three zero feet (29.30').

Thence North 72°09'10" West, eighty-three point zero feet (83.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and eighteen point eight four feet (218.84').

Thence South 72°09'10" East Twenty point zero feet (20.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and ninety point four eight feet (290.48') more or less to the said northern limit of King Street as widened.

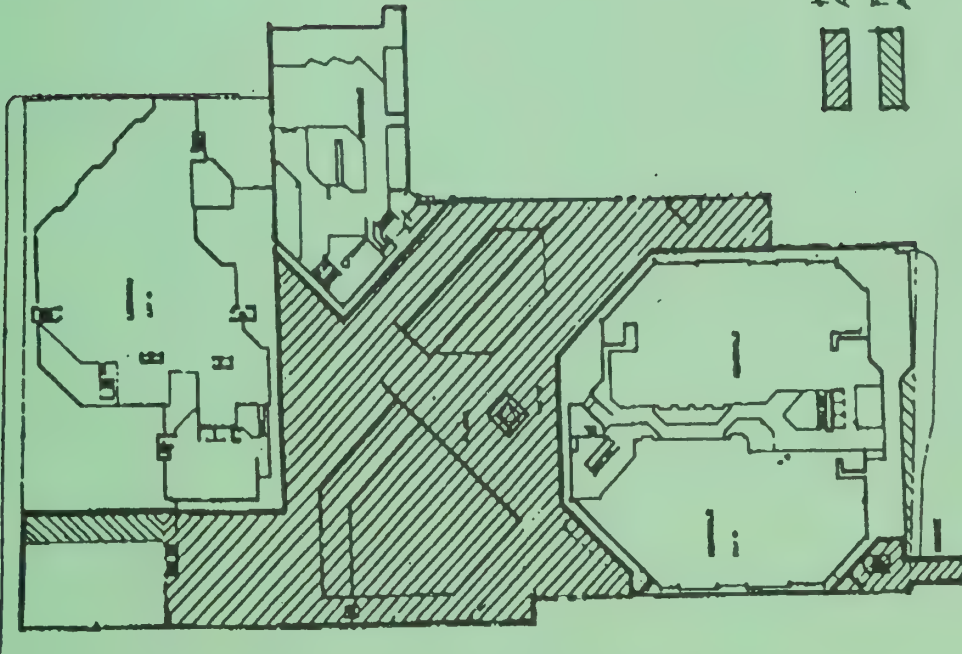
Thence South 68°32' East along the last mentioned limit One hundred and twenty-three point two two feet (123.22') to an angle therein.



Thence South 69°19'50" East continuing along the said northern limit of King Street as widened, One Hundred and eighteen point one seven feet (118.17') more or less to the point of commencement.

SUBJECT to and together with the easements and other rights and obligations reserved, granted, set forth and more particularly described in Schedule "C" to a lease dated the 19th day of November, 1975 between The Corporation of the City of Hamilton, as lessor therein, Second Phase Civic Square Limited, as lessee therein, and Yale Properties Limited, as guarantor therein, registered in the said Registry Office on August 16, 1976 as Instrument No. 21613 C.D.

All of which said parcel is now known as part of The Lloyd D. Jackson Square or Civic Square in the block bounded by King, James, Merrick and Bay Streets, previously described in Instrument No. 21613C.D.

SECONDLY:— Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 628-Phase Two 3/76; City of Hamilton; Regional Municipality of Hamilton-Wentworth.



-  PUBLIC USABLE OPEN SPACE
AT PLAZA LEVEL.
-  PUBLIC USABLE OPEN SPACE
AT STREET LEVEL.

REVISED JUNE 2, 1989.

A.C.F. LAU, ARCHITECT



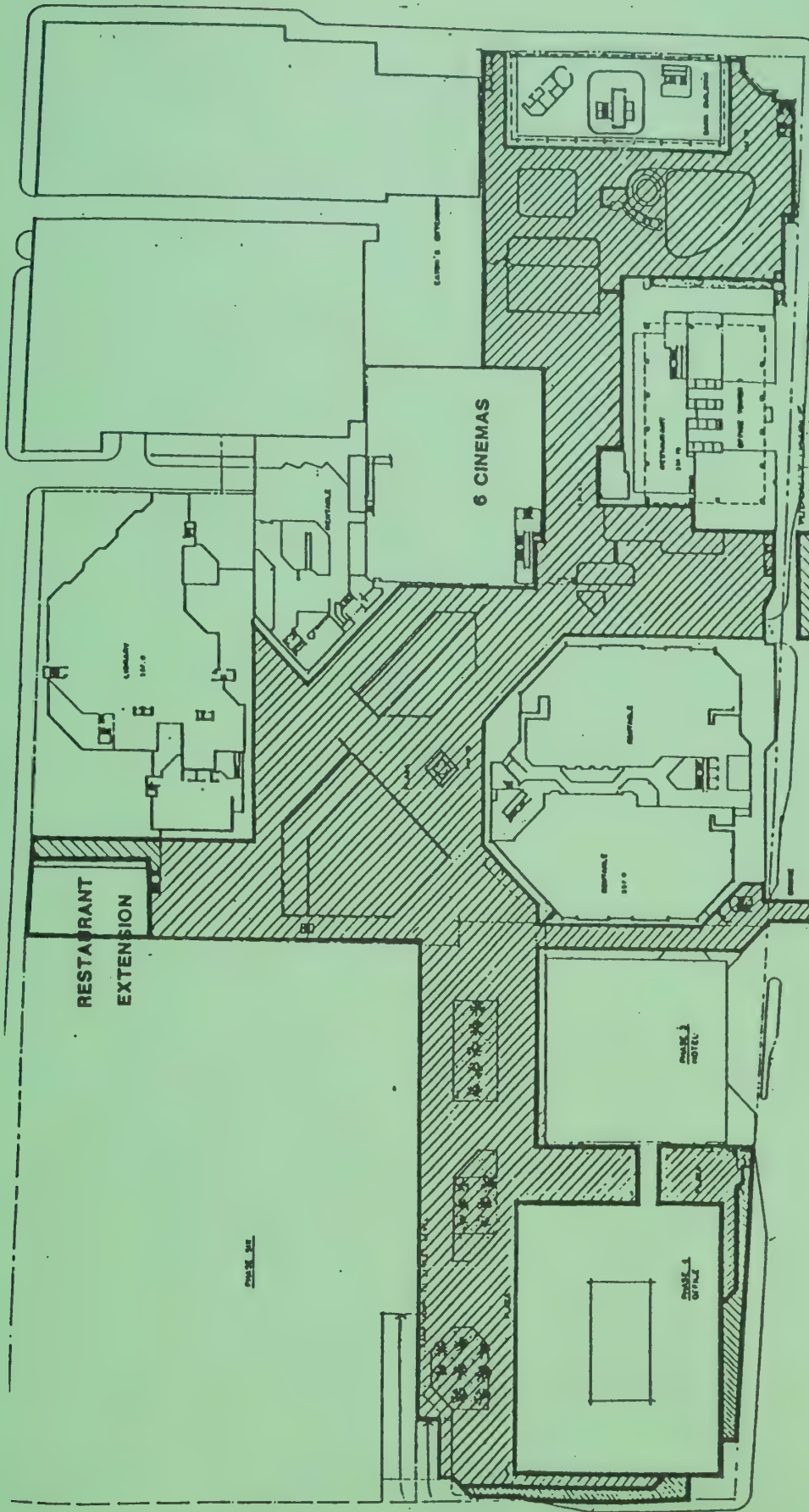
PLAZA LEVEL

B-14 Page 2
(Revised August 1st, 1969)

DESCRIPTION OF IMPROVEMENTS

	<u>Gross Floor Area (Sq. Ft.)</u>	<u>Net Rentable Area (Sq. Ft.)</u>	<u>Maximum Coverage at Plaza Level (and above) - Sq. Ft.</u>	<u>Maximum Height Above Plaza Level (331.0)</u>
<u>PHASE TWO</u>				
Retail Commercial Space (Concourse Level)	156,200	118,260	-----	-----
Retail Commercial Space (Plaza Level)	68,000	49,000	57,700	One Floor (Plus Mechanical)
Office Building	120,600	109,200	-----	Six Floors (Plus Mechanical)
Retail Commercial Area Basement Level	8,300	7,500	-----	-----

The amount of Public Usable Open Space is 75,500 square feet.
The minimum number of Parking Spaces is 235.



NO. THIS IS ONLY A FIRST CONSIDERATION OF PUBLICLY USABLE OPEN SPACE. UPON FULL DETERMINATION, PUBLICLY USABLE SPACE MAY BE LOCATED IN OTHER AREAS OF THE PLAZA. THE DEVELOPER AND THE ARCHITECT, B-13

REVISED 30 JAN. 1990

A.C.F. LAU, ARCHITECT

13

PLAZA LEVEL

Map of Publicly Usable Open Space

SCHEDULE NO. 5

LEGAL DESCRIPTION OF ADDITIONAL LAND

Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part I, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 62R- ; City of Hamilton; Regional Municipality of Hamilton-Wentworth. (RA-H-508 Surveys)

THIS AGREEMENT made this 8th day of February, 1990.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called the "City"

OF THE FIRST PART,

- and -

FOURTH PHASE CIVIC SQUARE LIMITED

Hereinafter called "Lessee"

OF THE SECOND PART

WHEREAS:

1. The City has entered into a Ground Lease with Second Phase Civic Square Limited (hereinafter referred to as "Second Phase") dated November 19, 1975, which Lease has been registered as Instrument No. 21613 C.D.;

2. The City has entered into a Ground Lease with Fourth Phase Civic Square Limited in respect of the land described in Schedule "B" attached hereto, such Lease dated June 1, 1981, is registered as Instrument No. 197189 C.D.;

3. The City has entered into a Ground Lease with Lakeview Development Ltd. (hereinafter referred to as "Lakeview") dated May 3, 1983 which Lease has been registered as Instrument No. 271066 C.D. on January 31, 1984;

4. The City, Lakeview, Second Phase Civic Square Limited and Fourth Phase Civic Square Limited have entered into an Interface Agreement dated July 30, 1984, which Agreement has been registered as Instrument No. 161659 L.T. and as Instrument No. 320192 C.D. (herein referred to as the "Interface Agreement");

5. Section 6 of the Interface Agreement includes provisions in respect of:

Appendix "C" as referred to in Section 8(c) of the SIXTH Report for 1990 of the Planning & Development Committee.

-the reconstruction and extension of a truck route previously constructed by Fourth Phase Civic Square Limited, pursuant to the Fourth Phase Ground Lease.

-That after the reconstructed and extended truck route is completed by the City in conjunction with the construction of the Trade Centre/Arena known as the Victor K. Copps Coliseum (hereinafter referred to as "Copps Coliseum"), the Interface Agreement includes provisions for:

- (i) the preparation and deposit by the City of a reference plan of survey; and,
- (ii) easement agreements for the reconstructed and extended truck route including an easement from the City as Transferor in favour of the Lessee as Transferee;

6. The reconstructed and extended truck route was completed by the City on the land described in Schedule "A" attached hereto (hereinafter referred to as the "new truck route") on or about the 29th day of November, 1985.

A survey was prepared and deposited by the City as Plan 62R-8136 and a legal description of the new truck route is attached hereto as Schedule "A".

7. The parties hereby wish to enter into the easement agreement referred to in the above mentioned Interface Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of TWO DOLLARS (\$2.00) now paid by each party to the other (the receipt of which is acknowledged), the parties hereto agree as follows:

1. Subject to the conditions contained herein and in the Interface Agreement, the City hereby transfers in common with all others entitled thereto from time to time, to the Lessee, to be enjoyed and used as appurtenant to the Lessee's leasehold land described in Schedule "B" attached hereto, for and during the balance of the term of the Ground Lease less one day, (namely, commencing on the date hereof and ending on

October 30, 2069 unless the Ground Lease is terminated earlier than October 30, 2069), on, over, along and upon the new truck route, the non-exclusive right, interest and EASEMENT to enter onto and use the Schedule "A" land as a right-of-way for vehicular access only in a one way direction as follows:

- (a) commencing at the Easterly limit of the public highway known as Bay Street North and continuing in a one way direction along the new truck route to the loading dock designated as Parts One and Two on Plan 62R-6886 (hereinafter referred to as the "loading dock") which land is part of the land described in said Schedule "B"; and
- (b) continuing in the same one way direction from the loading dock along the new truck route to the Southerly limit of the public highway known as York Boulevard.

2. The Lessee covenants and agrees that its use of the new truck route shall:

- (a) be limited to trucks and other vehicles delivering or removing supplies, materials, equipment, furniture, garbage and such other matters and things as may reasonably be required by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them, to and from the loading dock;
- (b) be used solely by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them for the purposes set out in paragraph (a) above, (and shall not be used for the transportation of persons to and from the Lessee's premises described in Schedule "B" including, without limitation employees, guests or visitors nor shall it be used for any other purpose including, without limitation, by taxis or by cars for access to and from any car parking lot or garage.)
 - (i) Notwithstanding the foregoing, the City agrees that the Lessee shall have the right to have cars exit

from the Lessee's existing parking garage exit door into the new truck route for egress to York Boulevard.

Without limiting the generality of other paragraphs hereof, the City and Lessee agree that when it is mutually determined by the City and the Lessee acting reasonably that there is an unusual problem in the new truck route (including without limitation such matters as security, excessive traffic, Copps Coliseum shows, etc.) the said parking garage exit door will be closed temporarily to prohibit cars from exiting into the new truck route.

- (c) be used in common with such other users as may now be or hereafter be permitted from time to time by the City, including, without limiting the generality of the foregoing, the City, its Trade Centre/Arena, Hamilton Entertainment and Convention Facilities Inc. (H.E.C.F.I.), the Public Library Board, The Hamilton Farmer's Market, Second Phase Civic Square Limited, Fourth Phase Civic Square Limited and GGS Hotel Holdings (Canada) Inc.;
- (d) be used in a reasonable manner, consistent, appropriate and taking into consideration the use and requirements of all other users and which shall not unnecessarily or unreasonably interfere with the use of the new truck route by other users; without limiting the generality of the foregoing, the Lessee covenants to the City that the Lessee's use of the new truck route and the use of those claiming under it shall not unnecessarily or unreasonably interfere with the business of H.E.C.F.I., the Public Library Board or the Hamilton Farmers' Market;
- (e) be controlled in such reasonable manner as may be agreed upon by the City, Fourth Phase and GGS Hotel Holdings Canada Inc.;

- (f) be in compliance with all parliamentary and legislative enactments and with all by-laws and regulations of general application;
- (g) be subject to all rights now or that may hereafter be vested in or reasonably required by the City, The Regional Municipality of Hamilton-Wentworth (herein called "the Region"), or in or by any gas, electric, telephone, telegraph, cable T.V., electric light, or other company, for the operation, maintenance, replacement and repair of the new truck route and of the Copps Coliseum or the adjacent streets including without limitation, the construction, repair, replacement or removal of sewers, culverts, drains, water or gas pipes or the placing of poles or wires (herein called "services"). The City expressly reserves to itself, to H.E.C.F.I. and to the Region the right to construct services or permit services to be constructed on, over, in, under and upon the new truck route and the right to temporarily close the new truck route from time to time to permit the operations contemplated herein; and
- (h) The Lessee covenants and agrees:
 - (i) that it will not bring upon the new truck route or any part thereof, any machinery, equipment, article or thing that by reason of its weight, size or use would in the opinion of the City (acting reasonably) damage the new truck route and will not at any time overload the new truck route by any machinery, equipment, article or thing, or by any act, neglect or misuse on the part of the Lessee or any of its servants, agents or employees or anyone for whom the Lessee is responsible in law. If such overloading shall occur and damage shall ensue, the Lessee shall forthwith repair the same or pay the City the cost of making good the same; and,
 - (ii) that it will not operate, cause to be operated, use or consent to the use of the new truck route or any part

thereof for any purpose other than the purposes permitted in this Agreement.

3. The Lessee acknowledges and agrees that the City, as owner of the new truck route:
 - (a) may grant such further and other easements on, over, under, along and upon the said new truck route, in common with the use thereof by the Lessee, to the occupier of Part Six, the Lessee of Phase Four, the Lessee of Phase Two and the occupiers of Part Seven, subject to the payment of their share of the new truck route's costs.
 - (b) the Lessee agrees that all Rules and Regulations and amendments and supplements thereto as are agreed upon from time to time by the City, Fourth Phase and GGS Hotel Holdings (Canada) Inc., shall be binding upon the Lessee. The Lessee agrees to comply with and observe such Rules and Regulations and amendments and supplements, and any failure by the Lessee to keep and observe the same shall constitute a breach of this Agreement in a manner as if the same were contained herein as covenants. Notice of such Rules and Regulations and amendments and supplements thereto, if any, shall be given to the Lessee by the City. No Rule or Regulation or amendment or supplement thereto shall contradict any provision of this Agreement.
4. The City shall operate, maintain and repair the new truck route and the costs thereof incurred by the City shall be borne, it is agreed, by the City, GGS Hotel Holdings (Canada) Inc., Second Phase Civic Square Limited, the Lessee and such other users permitted by the City in such amounts as may be agreed upon from time to time. Without limiting the generality of the foregoing:
 - (a) it is agreed that the City as owner and manager of the new truck route shall:

(i) manage the new truck route's maintenance, operation and repair and the costs thereof, including, heating, public utilities, ventilation, lighting, electricity (including that used for signs), fire protection equipment, snow removal, cleaning, security, as well as salaries and other remuneration (including contributions towards the usual fringe benefits to and for the benefit of personnel and staff employed to provide the said maintenance, operation and repair), as well as the cost to the City of equipment and the rental of equipment and the cost of supplies used by the City in its maintenance, operation and repair.

(ii) invoice and collect each user's share of these costs.

(b) it is agreed that the said costs of the new truck route (herein called the "new truck route's costs") to be shared amongst the users shall include the costs or expenses for each of the matters in paragraph 4(a)(i) above including an administration overhead charge equal to fifteen per cent (15%) of the new truck route costs;

(c) The Lessee covenants to pay to the City the Lessee's share of the new truck route costs.

(d) The City agrees that the new truck route costs shall not include costs related to the matters referred to in paragraphs 2(h)(i) or in 6(e) where such costs are those of the City, its servants, agents, employees, contractors, licensees or anyone for whom in law it is responsible and any other user, except the Lessee when such costs are the responsibility of the Lessee pursuant to such paragraphs.

5. (a) All calculations made or referred to herein shall be made in accordance with generally accepted accounting principles and practices applied on a consistent basis. Subject as hereinafter provided, the Lessee agrees that any monies, expenses or charges which are to be paid by the Lessee to the City are due and payable within thirty

(30) days of receipt of invoice and thereafter interest on any amount unpaid shall accrue at the then Bank of Montreal prime rate plus three percent (3%) per annum until paid.

For the purposes hereof, "prime rate" means the floating annual rate of interest established from time to time by Bank of Montreal as the rate it will use to determine rates of interest payable by its borrowers on Canadian dollar commercial loans made by Bank of Montreal to such borrowers in Canada and designated by the Bank of Montreal as its prime rate.

- (b) If the Lessee shall fail or neglect to conform or comply with any of the terms, covenants and conditions contained in this Agreement (other than the covenants to pay sums required to be paid to the City by any provision of this Agreement), the City may notify the Lessee in writing of the default and the Lessee shall forthwith, after receiving such Notice, commence to and shall remedy the breach complained of in such Notice within 45 days if the breach is capable of being remedied within such period and otherwise shall prosecute same with diligence to completion in the shortest period reasonably possible after the date of receipt of such Notice.
- (c) If any sum of money required to be paid to the City by any provision in this Agreement shall not be paid by the Lessee when such payment is due, the provisions of paragraph 14(i)(ii) and 14(i)(iii) of the Interface Agreement shall be applicable.
- (d) If the Lessee does not comply with paragraph 5(b) hereof as required, the City may take either or both of the following steps in addition to or together with any other remedy available at law to the City:
 - (i) The City, (provided the matters in dispute shall not have been referred to arbitration) on not less than sixty (60) days' notice to the Lessee, may terminate this

Easement Agreement unless within such sixty (60) day notice period the Lessee shall comply with paragraph 5(b) hereof; or,

(ii) Such breach or default may, at the option of the City, be deemed to constitute a default of the Lessee under the Ground Lease and after it has then given the Notice of default pursuant to the Ground Lease, the City shall have its rights under the Ground Lease.

6. (a) Notwithstanding that the Lessee shall have complied in all respects with its obligations under this Agreement, if the City wishes to establish an alternate new truck route, then, on not less than one (1) year's prior written notice to the Lessee given by the City, this easement agreement shall terminate as of the date stated in the notice.
- (b) In the event that this easement agreement is terminated in accordance with the preceding provision 6(a), the City shall provide for an alternate truck route or routes permitting the Lessee access to and egress from the loading dock and a new easement therefor. Such alternate truck route may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined thereafter, provided that during construction of an alternative truck route, a temporary truck route permitting the Lessee access to and egress from the said loading dock will be available.
- (c) The Lessee acknowledges and agrees that the new truck route (or portions of it) may be closed for such time as may be reasonably necessary for repairs, maintenance and alterations or due to unforeseen and unusual circumstances. In particular and without limiting the generality of the foregoing, the City shall be entitled to close the new truck route at any time or from time to time throughout the term hereof, upon at least seven (7) days' notice to the Lessee, for such temporary periods of time as may be

reasonably necessary for the purpose of fulfilling its obligations and exercising its rights under this Agreement, and the Lessee shall not be entitled to claim from or be paid any amount by the City in respect of such closure or resulting inconvenience or expense.

- (d) Anything in this Agreement to the contrary notwithstanding, providing such cause is not due to the wilful act or omission of the City, the City shall not be deemed in default with respect to the performance or fulfilment of any of the terms, covenants and conditions of this Agreement if the same shall be due to any cause beyond the City's control or otherwise including, without limitation, strike, lockout, failure of powers, civic commotion, warlike operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or controls, inability to obtain any material or service, or non-delivery of equipment, or through Act of God.
- (e) If the new truck route, including its doors, equipment and fixtures including the entrances thereto, the boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning or the ceiling, walls or floors of the new truck route or any part thereof become damaged or destroyed through the negligence, carelessness or misuse of the Lessee, its servants, agents, employees, contractors, licensees or anyone for whom in law the Lessee is responsible, or through the Lessee or them in any way stopping up or injuring the heating apparatus, water pipes, drainage pipes or other equipment or part of the site, the expense of the necessary repairs, replacements or alterations shall be borne by the Lessee who shall pay the same to the City forthwith upon demand.

7. The Lessee hereby agrees to indemnify and save harmless the City against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer, incur, become liable for or be put to by reason of any damage to property or injury or death to persons by reason of, arising out of or in consequence any breach, violation or non-performance by the Lessee or anyone for whom the Lessee is responsible in law of any provision of this Agreement, or by reason of or arising out of its use of the new truck route or any part thereof or by reason of or arising out of any fault, neglect or default by the Lessee or of any of its agents or employees or any other person or persons for whom the Lessee is responsible in law in or on the new truck route. The rights to indemnity contained in this paragraph shall survive any termination of this Agreement, in respect of any matter arising prior to such termination, anything in this Agreement to the contrary notwithstanding.
8. This Agreement may not be modified or amended, except by an instrument in writing of equal formality herewith.
9. No waiver by any of the parties hereto of the breach of any covenant or provision hereunder shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenants or provisions hereunder. No waiver shall be effective unless in writing.
10. This Agreement shall be registered on title to the land described in Schedules "A" and "B" by the Lessee forthwith after its execution by the parties hereto.
11. (a) This Agreement shall be binding upon and shall enure to the benefit of the Lessee, its successors and its assigns permitted by the Ground Lease and this Agreement shall

bind and run with the land described in Schedule "A" and with the leasehold land described in Schedule "B".

- (b) In the event that the Ground Lease with the Lessee is terminated prior to the expiration of its term, this Easement Agreement shall also terminate.
- (c) The Lessee covenants and agrees that subject to the terms of its Ground Lease it will not dispose, by way of sale, transfer and/or assignment, or in any other way whatsoever, of any of its interests in the leasehold land described in Schedule "B" and in this Agreement unless and until such disposition is in compliance with the following:
 - (i) Except in the case of the foregoing by way of charge or mortgage, the Lessee shall have first acquired from any such purchaser, transferee or assignee, on closing, their Undertaking to the City, satisfactory to the City acting reasonably to abide by and be bound by all of the terms, covenants and conditions of this Agreement and without delivering such undertaking to the City. The Undertaking shall be in the form attached hereto as Schedule "D". Such undertaking after execution by the parties thereto shall forthwith be registered on title by the party subsequent in interest;
 - (ii) the party subsequent in interest to the Lessee must receive not less than all of the Lessee's interest in this Easement Agreement.
- (d) In the event of the foregoing by way of charge or mortgage, the Lessee covenants and agrees that it will not mortgage or charge any of its Leasehold Land described in Schedule "B" nor this Easement Agreement without first acquiring from any such Mortgagee its covenant to the City to comply with this Agreement in the same manner that the Mortgagee is required by sec.16.01 of the Ground Lease to agree to comply with the Ground Lease. Such covenant

shall form part of the Mortgagee's Agreement with the City entered into pursuant to sec.16.01 of the Ground Lease.

12. (a) This Agreement is subject to and shall not take effect until the following approvals are received:
- (i) the approval of the Ontario Provincial Minister of Municipal Affairs and Housing; and,
 - (ii) the approval of Canada Mortgage and Housing Corporation.
- (b) The City will apply for the approvals set out in paragraph 12(a) and take all necessary steps for such applications. the Lessee agrees to co-operate in the obtaining of such approvals.

13. Time shall be of the essence of this Agreement.

14. (a) Any notice required or permitted to be given hereunder shall be sufficiently given if in writing and mailed by registered mail, postage prepaid, as follows:

If to the Lessee:

Fourth Phase Civic Square Limited
c/o Yale Properties Limited
2015 Peel Street
Montreal, Quebec
H3A 1T8

Attention: Mr. Emile Mashaal

With a copy to:

Messrs. Milligan, Gresko, Charuk & Rogers
Barristers & Solicitors
330-110 King Street West
Hamilton, Ontario
L8M 3M8

Attention: Mr. James G. Milligan

If to the City:

The Corporation of the City of Hamilton
City Hall
Attention: City Clerk
71 Main Street West
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

- (b) Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth (5th) business day following the date of such mailing. Any party hereto may at any time give notice to any one or more of the parties hereto by a notice in writing served personally upon an Officer of such party or parties or in the case of the City, upon an official of the City, in which case, notice shall be deemed to be given and received on the day of such personal service.
- (c) Any party may at any time give notice to the other parties of any change of address of the party giving such notice and from and after the giving of such notice, the address therein specified shall be deemed to be the address of such party and any party may require that notice be given to other persons, corporations or entities who or which may or may not have an interest in this Agreement and upon the giving of notice of such requirement and the address for such required notice, then such person, corporation or entity shall be deemed to have been named above for the purpose of giving and receiving notice thereafter.
- (d) The captions used in this Agreement are for convenience only and shall not be construed in interpreting this Agreement. Wherever from the context it appears appropriate, each term stated in either the singular or the plural shall include the singular and the plural, and pronouns stated in the masculine or the neuter gender shall include the masculine and neuter.
- (e) The parties agree that all of the provisions of this Agreement are to be construed as covenants and agreements as though the words importing such covenants and agreements were used in each separate paragraph hereof. Should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable from the Agreement and its remaining provisions shall remain in full force and be

binding upon the parties hereto as though the said provision or provisions had never been included.

15. The parties agree that the arbitration provision contained in Section 12 of the Interface Agreement shall apply to any dispute which arises in respect of the provisions hereof.
16. (a) In consideration for the grant of the herein Easement to the Lessee, the Lessee hereby agrees and confirms that the Lessee has no right, title or interest to a vehicular access easement from the City pursuant to Schedule "C" of the Ground Lease to the Lessee or from the City pursuant to the Hotel Interface Agreement or from the City pursuant to the herein agreement, except in that land known herein as the new truck route and defined herein as Part 1 on Plan 62R-8136. For greater certainty, the Lessee hereby confirms and agrees that it has no right, title or interest (pursuant to Schedule "C" of the Ground Lease to Fourth Phase, or pursuant to the Hotel Interface Agreement or pursuant to the herein agreement.) to a vehicular access easement in land described as Parts 2 and 3 on Plan 62R-8136 and in those portions of Parts 4 and 5 on Plan 62R-5316 which are in excess of the land comprising the new truck route defined herein as Part 1 on Plan 62R-8136.
 - (b) The Lessee acknowledges and agrees that any alteration to its Improvements upon its demised premises which increases the size of its loading dock or provides an additional access point between the new truck route and the demised premises leased to Fourth Phase, is subject to the approvals of the Lessor under Section 6.04 of the Ground Lease for alterations to the external appearance of its demised premises.

17. This Agreement may be executed in several counterparts each of which when executed by the parties shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have hereunto caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF HAMILTON

Mayor (c/s)

City Clerk

FOURTH PHASE CIVIC SQUARE LIMITED

Per: _____ (c/s)
President

Per: _____
Secretary

LIST OF SCHEDULES

(attached to and forming part of an Agreement dated February 8, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and FOURTH PHASE CIVIC SQUARE LIMITED.)

- | | | |
|--------------|---|---|
| Schedule "A" | - | Legal description of new truck route |
| Schedule "B" | - | Legal description of the Lessee's leasehold premises |
| Schedule "C" | - | Legal description of land on which Fourth Phase loading dock is constructed |
| Schedule "D" | - | Blank form of Undertaking Agreement |

SCHEDULE "A"

Attached to and forming part of an Agreement
dated the 8th day of February, 1990 between
The Corporation of the City of Hamilton and
Fourth Phase Civic Square Limited

Those lands located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lots 1, 2, 3, 4 and 5, fronting on Market Street, part of Lot 6, fronting on Bay Street in Block 2, part of Market, Park and York Streets, as closed by City of Hamilton By-law 72-270, By-law 81-14 and By-law 72-271, registered as Instrument Nos. 270101 A.B., 174954 C.D. and 270102 A.B. respectively, part of an unnumbered Lot in the block bounded by York Street, Park Street and York Boulevard (formerly Merrick Street) and MacNab Street, all according to David Kirkendall Survey, Registered Plan No. 39; part of Lots 7, 8, 9 and 10, part of an alley in the block bounded by Market, Park, York and MacNab Streets, according to an unregistered Plan of Subdivision, A. N. MacNab Survey, designated as Part 1, on Reference Plan 62R-8136 deposited in the Land Registry Office at Hamilton.

SCHEDULE "B"

Attached to and forming part of an Agreement dated the 8th day of February, 1990 between The Corporation of the City of Hamilton and Fourth Phase Civic Square Limited

Phase Four Lloyd D. Jackson Square

1

DESCRIPTION OF PART FOUR LANDS

Firstly:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of all of Lots 3, 4, and 5, part of Lots 1 and 2, part of Lots lettered "A" and "B" and part of an un-numbered lot, all in Block 1, David Kirkendall Survey registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 39, part of Lots 2, 3 and 4 fronting on Market Street in Block 2, David Kirkendall Survey and part of Market Street lying between the said Blocks 1 and 2, the said Market Street now closed by City of Hamilton By-law No. 72-270 dated October 31st, 1972, and registered as Instrument No. 270101 A.B., and which said parcel may be more particularly described as all of Part 7 according to a Reference Plan received and deposited in the said Land Registry Office on April 22nd, 1980, as Plan 62R-5316.

Secondly:

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lot 1 in Block 1, and part of Lots 1 and 2 fronting on Market Street in Block 2, according to David Kirkendall Survey registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 39, parts of Market Street now closed by City of Hamilton By-law No. 72-270 dated October 31st, 1972, and registered as Instrument No. 270101 A.B., part of Park Street, part of Lot 2 in the block bounded by Market, MacNab, King and Park Streets according to the said David Kirkendall Survey, part of Lots 9 and 10 according to A. N. MacNab Survey (unregistered) in the block bounded by York, MacNab, Market and Park Streets and which said parcels may be more particularly described as that portion of Parts 2 and 3 according to a Reference Plan received and deposited in the said Land Registry Office on April 22nd, 1980, as Plan 62R-5316, lying below a horizontal plane having a geodetic datum elevation of Three hundred and fifty-three point zero feet (353.0')

Part 2 being composed of part of Lot 1, Block 1, part of Lot 1, Block 2 and part of Lot 2 in the block bounded by Market, MacNab, King and Park Streets all according to the said David Kirkendall Survey, part of Lots 9 and 10, A. N. MacNab Survey and part of Market and Park Streets.

Part 3 being composed of part of Lot 1, Block 1 and part of Lots 1 and 2, Block 2, David Kirkendall Survey and part of Market Street.

Subject to the use by others of that part of the said Part 3 lying between two horizontal planes having geodetic datum elevations of Three hundred and one point zero feet (301.0') and Three hundred and twenty point zero feet (320.0') respectively.

TOGETHER WITH and subject to those rights and easements more particularly set out in Schedule "C" attached to a Ground Lease made as of the 1st day of June, 1981, between The Corporation of the City of Hamilton, Fourth Phase Civic Square Limited and Yale Properties Limited.

Previously described in Instrument Number 197189 C.D.

SCHEDULE "C"

Attached to and forming part of an Agreement dated the 8th day of February, 1990 between The Corporation of the City of Hamilton and Fourth Phase Civic Square Limited

Those lands and premises located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario, and being composed of:

- Part of Lots 1 and 2, Block 2 and part of Market Street, as closed by City of Hamilton By-Law No. 72-270, registered as Instrument No. 270101 A.B., according to David Kirkendall Survey, Registered Plan No. 39, designated as PART 1;

- Part of Lot 1, Block 1 and part of said closed Market Street, in the said David Kirkendall Survey, Registered Plan No. 39, designated as PART 2;

ALL as shown on a Reference Plan deposited in the Land Registry Office at Hamilton as Plan 62R-6886.

SCHEDULE "D"

(Attached to and forming part of the AGREEMENT dated February 8, 1990 entered into Between THE CORPORATION OF THE CITY OF HAMILTON and FOURTH PHASE CIVIC SQUARE LIMITED)

THIS AGREEMENT made as of the day of
1990.

B E T W E E N:

(hereinafter called the "Successor")

OF THE FIRST PART

- and -

(hereinafter called the "Lessee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "City")

OF THE THIRD PART

WITNESSETH THAT:

WHEREAS by a Ground Lease dated , wherein the City did demise and lease unto the Lessee the land therein described, which land (hereinafter called the "Leasehold Land") is described in Schedule "A" attached hereto, for and during the term of years to be complete and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the said Ground Lease which lease was registered as Instrument No. ;

AND WHEREAS by the Agreement dated , the City did grant to the Lessee, the right, interest and easement in the land described in Schedule "B" attached hereto to use a new truck route adjacent to the Copps Coliseum subject to the terms and conditions contained therein; (hereinafter this Agreement shall be referred to as the "Easement Agreement");

AND WHEREAS it is a term of the Easement Agreement that the Lessee shall not sell, transfer or assign any of its leasehold interest without first requiring any such purchaser or assignee (hereinafter called the "Successor") to enter into this Agreement with the City (hereinafter called the "Agreement") with respect to the said Easement Agreement;

AND WHEREAS the Lessee has entered into an Agreement dated with the Successor (hereinafter called the "Contract");

NOW THEREFORE in consideration of the sum of FIVE-----(\$5.00)-----DOLLARS and other good and valuable consideration paid by the City to each of the other parties hereto (the receipt in sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1. (a) The Successor and the Lessee agree with each other and covenant to the City that the Contract is expressly subject to the rights of the City and to the obligations of the Lessee under the Easement Agreement.
- (b) The Successor hereby undertakes, covenants, promises and agrees to the Lessee and to the City that the Successor shall perform and abide by and be bound by at all times all of the terms, covenants and conditions and obligations on the part of the Lessee contained in the Easement Agreement and that the City shall be entitled to all remedies in respect of breaches of covenants and conditions as if the Successor were named in the Easement Agreement.
- (c) The Successor shall at all times comply with the terms, provisions and conditions of the Easement Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times and, without limiting the generality of the foregoing, it is further acknowledged and agreed by the Lessee and the Successor that the obligations of the Lessee under the Contract shall be subject always to the Lessee's obligation under the Easement Agreement not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement.
- (d) The Lessee and the Successor hereby covenant with each other that the Contract between them is subject to an obligation and covenant between them not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement and covenant further to do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times.
- (e) The Lessee and the Successor hereby acknowledge and agree that wherever and whenever a conflict shall arise between the rights of The Corporation of the City of Hamilton under the Easement Agreement and the provisions of the Contract, the rights of the City shall prevail.
- (f) This Agreement shall be registered by the Successor in the Land Registry Office against the Lessee's Leasehold Land described in Schedule "A" forthwith after its execution.
- (g) This Agreement is entered into and delivered to the City as required by the Easement Agreement. It only fulfils the obligations of the Successor named herein. Other parties subsequent in interest to the Lessee including the assigns of the Successor are required to enter into their own Agreement with the City.
- (h) This Agreement to the City shall in no way affect or release the Lessee from its liabilities and responsibilities under the terms of the Easement Agreement arising or relating to the period ending on the date of registration of this Agreement and the Lessee covenants and agrees with the City that it shall remain responsible for all of such liabilities and responsibilities during such period notwithstanding this Agreement nor the Contract. By joining in this Agreement, the City does not thereby acknowledge or approve of any of the terms of the Contract between the Lessee and the Successor. From and after the date the Successor has satisfied the requirements in the Easement Agreement for the assignment of such Agreement to the Successor (including the execution and registration of this Agreement), the Lessee, shall be released from its obligations contained in the Easement Agreement and in this Agreement for matters arising prior to such date of registration.
2. (a) Any notice in writing required or permitted to be given to the Lessee hereunder shall be given by registered mail, postage prepaid, addressed to:

(b) Any notice in writing required or permitted to be given to the Successor hereunder shall be given by registered mail, postage prepaid, addressed to:

(c) Any notice in writing required or permitted to be given to the City shall be given by registered mail, postage prepaid, addressed to:

The Corporation of the City of Hamilton
 Attention: City Clerk
 City Hall
 71 Main Street West
 P.O. Box 2040
 Hamilton, Ontario
 L8N 3T4

(d) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(e) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

3. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Undertaking and to carry out and perform the same in accordance with its terms.

4. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

Per: _____ c/s

Per: _____

THE CORPORATION OF THE CITY OF HAMILTON

_____ c/s
 Mayor

_____ City Clerk

Per: _____ c/s
 (referred to as "the Successor")

Per: _____

LIST OF SCHEDULES

(Attached to and forming part of an AGREEMENT dated the day
of , 19 , entered into by THE CORPORATION OF THE CITY
OF HAMILTON, and THE SUCCESSOR)

- Schedule "A" - Leasehold Land
- Schedule "B" - Legal description of truck route

THIS AGREEMENT made this 26th day of February, 1990.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called the "City"

OF THE FIRST PART,

- and -

SECOND PHASE CIVIC SQUARE LIMITED

Hereinafter called "Lessee"

OF THE SECOND PART

WHEREAS:

1. The City has entered into a Ground Lease with Second Phase Civic Square Limited in respect of the land described in Schedule "B" attached hereto, such Lease dated November 19, 1975, is registered as Instrument No. 21613 C.D.;
2. The City has constructed a building for the central branch of the Hamilton Public Library Board and for the Hamilton Farmer's Market (hereafter this building is referred to as the "Library/Farmer's Market Complex").
3. The City has constructed a truck route which is described in Schedule "A" attached hereto (hereinafter referred to as the "truck route") through a portion of City land to provide trucks access to and from the loading docks of the Library/Farmer's Market Complex.
4. A reconstructed and extended truck route was completed by the City on the land described in Schedule "C" attached hereto (hereinafter referred to as the "new truck route") on or about the 29th day of November, 1985.
5. The Lessee has constructed a truck tunnel through a portion of its demised premises (said tunnel described in Schedule "C" attached hereto is hereinafter referred to as the "Second Phase truck route"), which tunnel connects the City's truck route with the City's new truck route;

Appendix "D" as referred to in Section 8(d) of the SIXTH Report for 1990 of the Planning & Development Committee.

6. The Lessee has requested the City to grant the Lessee an Easement in the "truck route" and the parties enter into this Agreement for that purpose.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of TWO DOLLARS (\$2.00) now paid by each party to the other (the receipt of which is acknowledged), the parties hereto agree as follows:

1. Subject to the conditions contained herein, the City hereby transfers in common with all others entitled thereto from time to time, to the Lessee, to be enjoyed and used as appurtenant to the Lessee's leasehold land described in Schedule "B" attached hereto, for and during the balance of the term of the Ground Lease to the Lessee less one day, (namely, commencing on the date hereof and ending on October 30, 2069 unless the Ground Lease is terminated earlier than October 30, 2069), on, over, along and upon the truck route, the non-exclusive right, interest and EASEMENT to enter onto and use the Schedule "A" land as a right-of-way for vehicular access only in a one way direction as follows:

(a) commencing at the Easterly limit of the truck route and continuing in a one way direction along the truck route to connect with the Second Phase truck route for the purpose of using a loading dock or docks which may abut the Second Phase truck route in the future.

2. The Lessee covenants and agrees that its use of the truck route shall:

(a) be limited to trucks and other vehicles delivering or removing supplies, materials, equipment, furniture, garbage and such other matters and things as may reasonably be required by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them, to and from a loading dock or docks on its demised premises that abut the Second Phase truck route;

(b) be used solely by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them for the purposes set out in paragraph

(a) above, (and shall not be used for the transportation of persons to and from the Lessee's premises described in Schedule "B" including, without limitation employees, guests or visitors nor shall it be used for any other purpose including, without limitation, by taxis or by cars for access to and from any car parking lot or garage.)

- (c) be used in common with such other users as may now be or hereafter be permitted from time to time by the City, including, without limiting the generality of the foregoing, the City, its Trade Centre/Arena, Hamilton Entertainment and Convention Facilities Inc. (H.E.C.F.I.), the Public Library Board, The Hamilton Farmer's Market.
- (d) be used in a reasonable manner, consistent, appropriate and taking into consideration the use and requirements of all other users and which shall not unnecessarily or unreasonably interfere with the use of the truck route by other users; without limiting the generality of the foregoing, the Lessee covenants to the City that the Lessee's use of the truck route and the use of those claiming under it shall not unnecessarily or unreasonably interfere with the business of the Public Library Board or the Hamilton Farmers' Market;
- (e) be controlled in such reasonable manner as may be agreed upon by the City and Second Phase;
- (f) be in compliance with all parliamentary and legislative enactments and with all by-laws and regulations of general application;
- (g) be subject to all rights now or that may hereafter be vested in or reasonably required by the City, The Regional Municipality of Hamilton-Wentworth (herein called "the Region"), or in or by any gas, electric, telephone, telegraph, cable T.V., electric light, or other company, for the operation, maintenance, replacement and repair of the truck route and of the Library/Farmer's Market Complex or the adjacent streets including without limitation, the construction, repair, replacement or removal of sewers, culverts, drains, water or gas pipes or the placing of

poles or wires (herein called "services"). The City expressly reserves to itself, to H.E.C.F.I. and to the Region the right to construct services or permit services to be constructed on, over, in, under and upon the truck route and the right to temporarily close the truck route from time to time to permit the operations contemplated herein; and

(h) The Lessee covenants and agrees:

(i) that it will not bring upon the truck route or any part thereof, any machinery, equipment, article or thing that by reason of its weight, size or use would in the opinion of the City (acting reasonably) damage the truck route and will not at any time overload the truck route by any machinery, equipment, article or thing, or by any act, neglect or misuse on the part of the Lessee or any of its servants, agents or employees or anyone for whom the Lessee is responsible in law. If such overloading shall occur and damage shall ensue, the Lessee shall forthwith repair the same or pay the City the cost of making good the same; and,

(ii) that it will not operate, cause to be operated, use or consent to the use of the truck route or any part thereof for any purpose other than the purposes permitted in this Agreement.

3. The Lessee acknowledges and agrees that the City, as owner of the truck route:

- (a) may grant such further and other easements on, over, under, along and upon the said truck route, in common with the use thereof by the Lessee, to the occupier of Part Six, the Lessee of Phase Four, the Lessee of Phase Two and the occupiers of Part Seven, subject to the payment of their share of the truck route's costs.
- (b) the Lessee agrees that all Rules and Regulations and amendments and supplements thereto as are agreed upon from time to time by the City and Second Phase, shall be binding upon the Lessee. The Lessee agrees to comply with and observe such Rules and Regulations and amendments and

supplements, and any failure by the Lessee to keep and observe the same shall constitute a breach of this Agreement in a manner as if the same were contained herein as covenants. Notice of such Rules and Regulations and amendments and supplements thereto, if any, shall be given to the Lessee by the City. No Rule or Regulation or amendment or supplement thereto shall contradict any provision of this Agreement.

4. The City shall operate, maintain and repair the truck route and the costs thereof incurred by the City shall be borne, it is agreed, by the City and the Lessee and such other users permitted by the City in such amounts as may be agreed upon from time to time. Without limiting the generality of the foregoing:
- (a) it is agreed that the City as owner and manager of the truck route shall:
 - (i) manage the truck route's maintenance, operation and repair and the costs thereof, including, heating, public utilities, ventilation, lighting, electricity (including that used for signs), fire protection equipment, snow removal, cleaning, security, as well as salaries and other remuneration (including contributions towards the usual fringe benefits to and for the benefit of personnel and staff employed to provide the said maintenance, operation and repair), as well as the cost to the City of equipment and the rental of equipment and the cost of supplies used by the City in its maintenance, operation and repair.
 - (ii) invoice and collect each user's share of these costs.
 - (b) it is agreed that the said costs of the truck route (herein called the "truck route's costs") to be shared amongst the users shall include the costs or expenses for each of the matters in paragraph 4(a)(i) above including an administration overhead charge equal to fifteen per cent (15%) of the truck route costs;
 - (c) The Lessee covenants to pay to the City the Lessee's share of the truck route costs.

- (d) The City agrees that the truck route costs shall not include costs related to the matters referred to in paragraphs 2(h)(i) or in 6(e) where such costs are those of the City, its servants, agents, employees, contractors, licensees or anyone for whom in law it is responsible, and any other user except the Lessee when such costs are the responsibility of the Lessee pursuant to such paragraphs.

5. (a) All calculations made or referred to herein shall be made in accordance with generally accepted accounting principles and practices applied on a consistent basis. Subject as hereinafter provided, the Lessee agrees that any monies, expenses or charges which are to be paid by the Lessee to the City are due and payable within thirty (30) days of receipt of invoice and thereafter interest on any amount unpaid shall accrue at the then Bank of Montreal prime rate plus three percent (3%) per annum until paid.

For the purposes hereof, "prime rate" means the floating annual rate of interest established from time to time by Bank of Montreal as the rate it will use to determine rates of interest payable by its borrowers on Canadian dollar commercial loans made by Bank of Montreal to such borrowers in Canada and designated by the Bank of Montreal as its prime rate.

- (b) If the Lessee shall fail or neglect to conform or comply with any of the terms, covenants and conditions contained in this Agreement (other than the covenants to pay sums required to be paid to the City by any provision of this Agreement), the City may notify the Lessee in writing of the default and the Lessee shall forthwith, after receiving such Notice, commence to and shall remedy the breach complained of in such Notice within 45 days if the breach is capable of being remedied within such period and otherwise shall prosecute same with diligence to completion in the shortest period reasonably possible after the date of receipt of such Notice.

- (c) If any sum of money required to be paid to the City by any provision in this Agreement shall not be paid by the Lessee when such payment is due, the provisions of paragraph 14(i)(ii) and 14(i)(iii) of the Interface Agreement shall be applicable.
 - (d) If the Lessee does not comply with paragraph 5(b) hereof as required, the City may take either or both of the following steps in addition to or together with any other remedy available at law to the City:
 - (i) The City, (provided the matters in dispute shall not have been referred to arbitration) on not less than sixty (60) days' notice to the Lessee, may terminate this Easement Agreement unless within such sixty (60) day notice period the Lessee shall comply with paragraph 5(b) hereof; or,
 - (ii) Such breach or default may, at the option of the City, be deemed to constitute a default of the Lessee under the Ground Lease and after it has then given the Notice of default pursuant to the Ground Lease, the City shall have its rights under the Ground Lease.
6. (a) Notwithstanding that the Lessee shall have complied in all respects with its obligations under this Agreement, if the City wishes to establish an alternate truck route, then, on not less than one (1) year's prior written notice to the Lessee given by the City, this easement agreement shall terminate as of the date stated in the notice.
- (b) In the event that this easement agreement is terminated in accordance with the preceding provision 6(a), the City shall provide for an alternate truck route or routes and a new easement therefor. Such alternate truck route may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined thereafter, provided that during construction of an alternative truck route, a temporary truck route will be available.
- (c) The Lessee acknowledges and agrees that the truck route (or portions of it) may be closed for such time as may be

reasonably necessary for repairs, maintenance and alterations or due to unforeseen and unusual circumstances. In particular and without limiting the generality of the foregoing, the City shall be entitled to close the truck route at any time or from time to time throughout the term hereof, upon at least seven (7) days' notice to the Lessee, for such temporary periods of time as may be reasonably necessary for the purpose of fulfilling its obligations and exercising its rights under this Agreement, and the Lessee shall not be entitled to claim from or be paid any amount by the City in respect of such closure or resulting inconvenience or expense.

- (d) Anything in this Agreement to the contrary notwithstanding, providing such cause is not due to the wilful act or omission of the City, the City shall not be deemed in default with respect to the performance or fulfilment of any of the terms, covenants and conditions of this Agreement if the same shall be due to any cause beyond the City's control or otherwise including, without limitation, strike, lockout, failure of powers, civic commotion, warlike operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or controls, inability to obtain any material or service, or non-delivery of equipment, or through Act of God.
- (e) If the truck route, including its doors, equipment and fixtures including the entrances thereto, the boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning or the ceiling, walls or floors of the truck route or part thereof become damaged or destroyed through the negligence, carelessness or misuse of the Lessee, its servants, agents, employees, contractors, licensees or anyone for whom in law the Lessee is responsible, or through the Lessee or them in any way stopping up or injuring the heating apparatus, water pipes, drainage pipes or other equipment or part of the site, the expense of the necessary repairs, replacements or alterations

shall be borne by the Lessee who shall pay the same to the City forthwith upon demand.

7. The Lessee hereby agrees to indemnify and save harmless the City against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer, incur, become liable for or be put to by reason of any damage to property or injury or death to persons by reason of, arising out of or in consequence any breach, violation or non-performance by the Lessee or anyone for whom the Lessee is responsible in law of any provision of this Agreement, or by reason of or arising out of its use of the truck route or any part thereof or by reason of or arising out of any fault, neglect or default by the Lessee or of any of its agents or employees or any other person or persons for whom the Lessee is responsible in law in or on the truck route. The rights to indemnity contained in this paragraph shall survive any termination of this Agreement, in respect of any matter arising prior to such termination, anything in this Agreement to the contrary notwithstanding.
8. This Agreement may not be modified or amended, except by an instrument in writing of equal formality herewith.
9. No waiver by any of the parties hereto of the breach of any covenant or provision hereunder shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenants or provisions hereunder. No waiver shall be effective unless in writing.
10. This Agreement shall be registered on title to the land described in Schedules "A" and "B" by the Lessee forthwith after its execution by the parties hereto.
11. (a) This Agreement shall be binding upon and shall enure to the benefit of the Lessee, its successors and its assigns permitted by the Ground Lease and this Agreement shall

bind and run with the land described in Schedule "A" and with the leasehold land described in Schedule "B".

- (b) In the event that the Ground Lease with the Lessee is terminated prior to the expiration of its term, this Easement Agreement shall also terminate.
- (c) The Lessee covenants and agrees that subject to the terms of its Ground Lease, it will not dispose, by way of sale, transfer and/or assignment, or in any other way whatsoever, of any of its interests in the leasehold land described in Schedule "B" and in this Agreement unless and until such disposition is in compliance with the following:
 - (i) Except in the case of the foregoing by way of Charge or Mortgage, the Lessee shall have first acquired from any such purchaser, transferee or assignee, on closing, their Undertaking to the City, satisfactory to the City acting reasonably to abide by and be bound by all of the terms, covenants and conditions of this Agreement and without delivering such undertaking to the City. The Undertaking shall be in the form attached hereto as Schedule "D". Such undertaking after execution by the parties thereto shall forthwith be registered on title by the party subsequent in interest;
 - (ii) the party subsequent in interest to the Lessee must receive not less than all of the Lessee's interest in this Easement Agreement.
- (d) In the event of the foregoing by way of Charge or Mortgage, the Lessee covenants and agrees that it will not mortgage any of its Leasehold Land described in Schedule "B" nor this Easement Agreement without first acquiring from any such Mortgagee its covenant to the City to comply with this Agreement in the same manner that the Mortgagee is required by sec.16.01 of the Ground Lease to agree to comply with the Ground Lease. Such covenant shall form part of the Mortgagee's Agreement with the City entered into pursuant to sec.16.01 of the Ground Lease.

12. (a) This Agreement is subject to and shall not take effect until the following approvals are received:
- (i) the approval of the Ontario Provincial Minister of Municipal Affairs and Housing; and,
 - (ii) the approval of Canada Mortgage and Housing Corporation.
- (b) The City will apply for the approvals set out in paragraph 12(a) and take all necessary steps for such applications. the Lessee agrees to co-operate in the obtaining of such approvals.
13. Time shall be of the essence of this Agreement.
14. (a) Any notice required or permitted to be given hereunder shall be sufficiently given if in writing and mailed by registered mail, postage prepaid, as follows:

If to the Lessee:

Second Phase Civic Square Limited
c/o Yale Properties Limited
2015 Peel Street
Montreal, Quebec
H3A 1T8

Attention: Mr. Emile Mashaal

With a copy to:

Messrs. Milligan, Gresko, Charuk & Rogers
Barristers & Solicitors
330-110 King Street West
Hamilton, Ontario
L8M 3M8

Attention: Mr. James G. Milligan

If to the City:

The Corporation of the City of Hamilton
City Hall
Attention: City Clerk
71 Main Street West
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

- (b) Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth (5th) business day following the date of such mailing. Any party hereto may at any time give notice to any one or more of the parties hereto by a notice in writing served personally upon an officer of such party or parties or in the case of the

City, upon an official of the City, in which case, notice shall be deemed to be given and received on the day of such personal service.

- (c) Any party may at any time give notice to the other parties of any change of address of the party giving such notice and from and after the giving of such notice, the address therein specified shall be deemed to be the address of such party and any party may require that notice be given to other persons, corporations or entities who or which may or may not have an interest in this Agreement and upon the giving of notice of such requirement and the address for such required notice, then such person, corporation or entity shall be deemed to have been named above for the purpose of giving and receiving notice thereafter.
- (d) The captions used in this Agreement are for convenience only and shall not be construed in interpreting this Agreement. Wherever from the context it appears appropriate, each term stated in either the singular or the plural shall include the singular and the plural, and pronouns stated in the masculine or the neuter gender shall include the masculine and neuter.
- (e) The parties agree that all of the provisions of this Agreement are to be construed as covenants and agreements as though the words importing such covenants and agreements were used in each separate paragraph hereof. Should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable from the Agreement and its remaining provisions shall remain in full force and be binding upon the parties hereto as though the said provision or provisions had never been included.

- 15. The parties agree that the arbitration provision contained in Section 17.01 of the Ground Lease to Second Phase shall apply to any dispute which arises in respect of the provisions hereof.

16. For greater certainty, the Lessee acknowledges and agrees that:

- (a) any alteration to its Improvements upon its demised premises for the purpose of a loading dock or truck access from which to enter or to leave its demised premises to or from the Second Phase truck route, is subject to the approvals of the Lessor under Section 6.04 of the Ground Lease for alterations to the external appearance of Second Phase's demised premises;
- (b) there shall be no alterations to the demised premises (if any) of Second Phase that abut the truck route for the purpose of a loading dock or truck access beside the truck route.

17. The Lessee agrees to install at its expense, an overhead garage door (upon the existing overhead door track located between the truck route and second phase truck route) to separate the truck route from the Second Phase truck route. Such door shall be installed at the same time as Second Phase constructs a pedestrian door or any other opening on Second Phase's demised premises which open upon the Second Phase truck route.

18. This Agreement may be executed in several counterparts each of which when executed by the parties shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have hereunto caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF HAMILTON

_____(c/s)
Mayor

City Clerk

SECOND PHASE CIVIC SQUARE LIMITED

Per: _____(c/s)
President

Per: _____
Secretary

LIST OF SCHEDULES

(attached to and forming part of an Agreement dated February 26, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and SECOND PHASE CIVIC SQUARE LIMITED.)

- | | | |
|--------------|---|--|
| Schedule "A" | - | Legal description of truck route |
| Schedule "B" | - | Legal description of the Lessee's leasehold premises |
| Schedule "C" | - | Legal discription of new truck route |
| Schedule "D" | - | Form of Undertaking Agreement |

SCHEDULE "A"

Attached to and forming part of an Agreement
dated the 26th day of February, 1990 between
The Corporation of the City of Hamilton and
Second Phase Civic Square Limited

Firstly

Parcel 1-1 Freehold
Section W-50

Part of MacNab Street as closed by City of Hamilton By-Law 70-277,
Registered as Instrument No. 182919 A.B. designated as Part 2 on
Plan 62R- (RC-H-309).

being part of the Parcel.

Secondly

Part of MacNab Street as closed by City of Hamilton By-Law 70-277,
Registered as Instrument No. 182919 A.B. Part of York Street as
closed by City of Hamilton By-Law 70-271, registered as Instrument
No. 270102 A.B.

Part of Block 4, Registered Plan 39 and part of the unnumbered Lot,
Registered Plan 50, in the block bounded by Merrick, MacNab, York
and Park Streets, now all abstracted in the Jackson Square,
designated as Part 1, on Plan 62R- (RC-H-309).

City of Hamilton,

Regional Municipality of Hamilton-Wentworth.

SCHEDULE "B"

Attached to and forming part of an Agreement
dated the 26th day of February, 1990 between
The Corporation of the City of Hamilton and
Second Phase Civic Square Limited

REVISED
DESCRIPTION OF PART TWO LANDS

FIRSTLY:—

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Andrew Miller's Seven Acre Tract as shown on Registered Plan No. 50 in the block bounded by Market, MacNab, King and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by York, MacNab, Market and Park Streets sometimes known as part of the un-numbered lot according to Sir A. N. MacNab's Survey in the said block, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick, MacNab, York and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick and James Street, Market Square and MacNab Street, all of Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14 and 15 and part of Lots 7 and 10 and part of an alleyway according to Sir A. N. MacNab's Survey in the block bounded by York, MacNab, Market and Park Streets, part of Lots 1 and 2 and the un-numbered lot as shown on D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Market, MacNab, King and Park Streets, part of the said D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Merrick, MacNab, York and Park Streets, parts of Market Street (now closed by City of Hamilton By-laws Nos. 70-276 and 72-270 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Inst. 182918 A.B. and 270101 A.B.) parts of York Street (now closed by City of Hamilton By-laws Nos. 70-278 and 72-271 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Insts. 182920 A.B. and 278102 A.B.), part of MacNab Street (now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Int. 182919 A.B.), part of Market Square (now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970 and registered as Inst. No. 182921 A.B.) and which said parcel may be more particularly described as follows:—

Premising that all bearings herein are astronomic and are derived from the Ontario Co-ordinate System, Zone 10 Central Meridian 79° 30' West Longitude.

Commencing at a point in the northern limit of King Street as widened by City of Hamilton Bylaw No. 70-336 dated November 10th, 1970 and registered as Inst. 187452 A.B., distant therein North 69°19'50" West Five hundred and eighteen point one three feet (518.13') from the western limit of James Street as widened by City of Hamilton By-law No. 70-335 dated November 10th, 1970 and registered as Inst. No. 187451 A.B.

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, One hundred and sixty-two point five six feet (162.56').

Thence South 72°09'10" East Fifty point zero feet (50.0').

Thence North 17°50'50" East parallel to said western limit of James Street as widened, Two hundred and twenty-seven point eight six feet (227.86').

Thence South 72°09'10" East One hundred and thirty-eight point one seven (138.17') more or less to a south west corner of the existing Market Ramp Garage.

Thence North 17°59'40" East along the western face of a western wall of the said Market Ramp Garage, Thirteen point two seven feet (13.27') to an angle therein.

Thence North 71°57'55" West along the southern face of a southern wall of the said Market Ramp Garage, Thirteen point zero one feet (13.01') to an angle therein.

Thence North 17°59'40" East along a western face of a western wall of the said Market Ramp Garage, Eighty-nine point eight nine feet (89.89').

Thence North 72°09'10" West, Three hundred and fifty-three point five zero (353.50').

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, twenty-nine point three zero feet (29.30').

Thence North 72°09'10" West, eighty-three point zero feet (83.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and eighteen point eight four feet (218.84').

Thence South 72°09'10" East Twenty point zero feet (20.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and ninety point four eight feet (290.48') more or less to the said northern limit of King Street as widened.

Thence South 68°32' East along the last mentioned limit One hundred and twenty-three point two two feet (123.22') to an angle therein.

Thence South 69°19'50" East continuing along the said northern limit of King Street as widened, One Hundred and eighteen point one seven feet (118.17') more or less to the point of commencement.

SUBJECT to and together with the easements and other rights and obligations reserved, granted, set forth and more particularly described in Schedule "C" to a lease dated the 19th day of November, 1975 between The Corporation of the City of Hamilton, as lessor therein, Second Phase Civic Square Limited, as lessee therein, and Yale Properties Limited, as guarantor therein, registered in the said Registry Office on August 16, 1976 as Instrument No. 21613 C.D.

All of which said parcel is now known as part of The Lloyd D. Jackson Square or Civic Square in the block bounded by King, James, Merrick and Bay Streets, previously described in Instrument No. 21613C.D.

SECONDLY:— Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 62R- ; City of Hamilton; Regional Municipality of Hamilton-Wentworth.

SCHEDULE "C"

Attached to and forming part of an Agreement dated the 26th day of February, 1990 between The Corporation of the City of Hamilton and Second Phase Civic Square Limited

Those lands located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lots 1, 2, 3, 4 and 5, fronting on Market Street, part of Lot 6, fronting on Bay Street in Block 2, part of Market, Park and York Streets, as closed by City of Hamilton By-law 72-270, By-law 81-14 and By-law 72-271, registered as Instrument Nos. 270101 A.B., 174954 C.D. and 270102 A.B. respectively, part of an unnumbered Lot in the block bounded by York Street, Park Street and York Boulevard (formerly Merrick Street) and MacNab Street, all according to David Kirkendall Survey, Registered Plan No. 39; part of Lots 7, 8, 9 and 10, part of an alley in the block bounded by Market, Park, York and MacNab Streets, according to an unregistered Plan of Subdivision, A. N. MacNab Survey, designated as Part 1, on Reference Plan 62R-8136 deposited in the Land Registry Office at Hamilton.

SCHEDULE "D"

(Attached to and forming part of the AGREEMENT dated February 26, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and SECOND PHASE CIVIC SQUARE LIMITED.)

THIS AGREEMENT made as of the _____ day of _____ 1990.

B E T W E E N:

(hereinafter called the "Successor")

OF THE FIRST PART

- and -

(hereinafter called the "Lessee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "City")

OF THE THIRD PART

WITNESSETH THAT:

WHEREAS by a Ground Lease dated _____ wherein the City did demise and lease unto the Lessee the land therein described, which land (hereinafter called the "Leasehold Land") is described in Schedule "A" attached hereto, for and during the term of years to be complete and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the said Ground Lease which lease was registered as Instrument No. _____;

AND WHEREAS by the Agreement dated _____, the City did grant to the Lessee, the right, interest and easement in the land described in Schedule "B" attached hereto to use a new truck route adjacent to the Copps Coliseum subject to the terms and conditions contained therein; (hereinafter this Agreement shall be referred to as the "Easement Agreement");

AND WHEREAS it is a term of the Easement Agreement that the Lessee shall not sell, transfer or assign any of its leasehold interest without first requiring any such purchaser or assignee (hereinafter called the "Successor") to enter into this Agreement with the City (hereinafter called the "Agreement") with respect to the said Easement Agreement;

AND WHEREAS the Lessee has entered into an Agreement dated _____ with the Successor (hereinafter called the "Contract");

NOW THEREFORE in consideration of the sum of FIVE-----(\$5.00)-----DOLLARS and other good and valuable consideration paid by the City to each of the other parties hereto (the receipt in sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1. (a) The Successor and the Lessee agree with each other and covenant to the City that the Contract is expressly subject to the rights of the City and to the obligations of the Lessee under the Easement Agreement.
- (b) The Successor hereby undertakes, covenants, promises and agrees to the Lessee and to the City that the Successor shall perform and abide by and be bound by at all times all of the terms, covenants and conditions and obligations on the part of the Lessee contained in the Easement Agreement and that the City shall be entitled to all remedies in respect of breaches of covenants and conditions as if the Successor were named in the Easement Agreement.
- (c) The Successor shall at all times comply with the terms, provisions and conditions of the Easement Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times and, without limiting the generality of the foregoing, it is further acknowledged and agreed by the Lessee and the Successor that the obligations of the Lessee under the Contract shall be subject always to the Lessee's obligation under the Easement Agreement not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement.
- (d) The Lessee and the Successor hereby covenant with each other that the Contract between them is subject to an obligation and covenant between them not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement and covenant further to do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times.
- (e) The Lessee and the Successor hereby acknowledge and agree that wherever and whenever a conflict shall arise between the rights of The Corporation of the City of Hamilton under the Easement Agreement and the provisions of the Contract, the rights of the City shall prevail.
- (f) This Agreement shall be registered by the Successor in the Land Registry Office against the Lessee's Leasehold Land described in Schedule "A" forthwith after its execution.
- (g) This Agreement is entered into and delivered to the City as required by the Easement Agreement. It only fulfils the obligations of the Successor named herein. Other parties subsequent in interest to the Lessee including the assigns of the Successor are required to enter into their own Agreement with the City.
- (h) This Agreement to the City shall in no way affect or release the Lessee from its liabilities and responsibilities under the terms of the Easement Agreement arising or relating to the period ending on the date of registration of this Agreement and the Lessee covenants and agrees with the City that it shall remain responsible for all of such liabilities and responsibilities during such period notwithstanding this Agreement nor the Contract. By joining in this Agreement, the City does not thereby acknowledge or approve of any of the terms of the Contract between the Lessee and the Successor. From and after the date the Successor has satisfied the requirements in the Easement Agreement for the assignment of such Agreement to the Successor (including the execution and registration of this Agreement), the Lessee, shall be released from its obligations contained in the Easement Agreement and in this Agreement for matters arising prior to such date of registration.
2. (a) Any notice in writing required or permitted to be given to the Lessee hereunder shall be given by registered mail, postage prepaid, addressed to:

(b) Any notice in writing required or permitted to be given to the Successor hereunder shall be given by registered mail, postage prepaid, addressed to:

(c) Any notice in writing required or permitted to be given to the City shall be given by registered mail, postage prepaid, addressed to:

The Corporation of the City of Hamilton
 Attention: City Clerk
 City Hall
 71 Main Street West
 P.O. Box 2040
 Hamilton, Ontario
 L8N 3T4

(d) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(e) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

3. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Undertaking and to carry out and perform the same in accordance with its terms.

4. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

Per: _____ c/s

Per: _____

THE CORPORATION OF THE CITY OF HAMILTON

_____ c/s
 Mayor

 City Clerk

Per: _____ c/s
 (referred to as "the Successor")

Per: _____

Schedule "A"	-	Leasehold Land
Schedule "B"	-	Legal description of truck route

THIS AGREEMENT made this 12th day of February, 1990.

B E T W E E N:

Appendix "E" as referred to
in Section 8(e) of the
SIXTH Report for 1990 of the
Planning & Development
Committee.

SECOND PHASE CIVIC SQUARE LIMITED

Hereinafter called the "Second Phase"

OF THE FIRST PART,

- and -

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called the "City"

OF THE SECOND PART

WHEREAS:

1. The City has entered into a Ground Lease with Second Phase Civic Square Limited in respect of the land described in Schedule "E" attached hereto; said Lease dated November 19, 1975, is registered as Instrument No. 21613 C.D.;
2. A reconstructed and extended truck route was completed by the City on the land described in Schedule "B" attached hereto (hereinafter referred to as the "new truck route") on or about the 29th day of November, 1985.
3. The City has constructed a building for the new central Library of The Hamilton Public Library Board and for The Hamilton Farmer's Market upon the land described in Schedule "C" attached hereto (hereinafter referred to as the Library/Farmer's Market complex); trucks and other vehicles to the Library and to the Farmer's Market building use as a portion of their exit route a portion of the demised premises leased to Second Phase by the City which portion of the demised premises is described in Schedule "A" (hereinafter referred to as the "vehicular access route").
4. The parties hereby wish to enter into this Easement Agreement in respect of such vehicular access route through the demised premises of Second Phase.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of TWO DOLLARS (\$2.00)

now paid by each party to the other (the receipt of which is acknowledged), the parties hereto agree as follows:

1. Subject to the conditions contained herein, Second Phase hereby transfers in common with all others entitled thereto from time to time, to the City, to be enjoyed and used as appurtenant to the City's land described in Schedule "C" attached hereto, for and during the balance of the term of the Ground Lease to Second Phase less one day, (namely, commencing on the date hereof and ending on October 30, 2069 unless the Ground Lease is terminated earlier than October 30, 2069), on, over, along and upon the vehicular access route (for trucks and other vehicles which make deliveries to or removals from the loading docks of the City's Library/Farmer's Market Complex to access the City's new truck route by means of the vehicular access route), the non-exclusive right, interest and EASEMENT to enter onto and use the Schedule "A" leasehold land as a right-of-way for vehicular access only in a one way direction commencing at the Easterly limit of the Schedule "A" leasehold land and continuing along and upon the vehicular access route to the new truck route;
2. The City covenants and agrees that its use of the vehicular access route shall:
 - (a) be limited to trucks and other vehicles delivering or removing to and from the City's Library/Farmer's Market complex, supplies, materials, equipment, furniture, garbage and such other matters and things as may reasonably be required by the City, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them, including without limitation The Hamilton Public Library Board and The Hamilton Farmer's Market.
 - (b) be used solely by the City, its suppliers, contractors, employees, agents and tenants and all those claiming under them for the purposes set out in paragraph (a) above and

shall not be used for the transportation of persons without limitation, employees, guests or visitors nor shall it be used for any other purpose including, without limitation, by taxis or by cars for access to and from any car parking lot or garage;

- (c) be used in common with such other users as may now be or hereafter be permitted from time to time by Second Phase;
- (d) be used in a reasonable manner, consistent, appropriate and taking into consideration the use and requirements of all other users and which shall not unnecessarily or unreasonably interfere with the use of the vehicular access route by other users; without limiting the generality of the foregoing, the City covenants to Second Phase that the City's use and the use of those claiming under it of the vehicular access route shall not unnecessarily or unreasonably interfere with the business of Second Phase;
- (e) be controlled in such reasonable manner as may be agreed upon by the City and Second Phase;
- (f) be in compliance with all parliamentary and legislative enactments and with all by-laws and regulations of general application; and
- (g) Second Phase expressly reserves itself the right to construct or permit to be constructed, services for utilities on, over, in, under and upon the vehicle access route and the right to temporarily close the vehicle access route from time to time to permit the operations contemplated herein; and
- (h) The City covenants and agrees:
 - (i) that it will not bring upon the vehicular access route or any part thereof, any machinery, equipment, article or thing that by reason of its weight, size or use would in the opinion of Second Phase (acting reasonably) damage the vehicular access route and will not at any time overload the vehicular access route by any machinery,

equipment, article or thing, or by any act, neglect or misuse on the part of the City or any of its servants, agents or employees or anyone for whom the City is responsible in law. If such overloading shall occur and damage shall ensue, the City shall forthwith repair the same or pay Second Phase the cost of making good the same; and,

(ii) that it will not operate, cause to be operated, use or consent to the use of the vehicular access route or any part thereof for any purpose other than the purposes permitted in this Agreement.

3. The City acknowledges and agrees that Second Phase, as owner of the vehicular access route:

- (a) may grant such further and other easements on, over, under, along and upon the said vehicular access route, in common with the use thereof by the City, to the commercial tenants of Second Phase, subject to the payment of their share of the vehicular access route's costs.
- (b) the City agrees that all Rules and Regulations and amendments and supplements thereto as are agreed upon from time to time by the City and Second Phase, shall be binding upon the City. The City agrees to comply with and observe such Rules and Regulations and amendments and supplements, and any failure by the City to keep and observe the same shall constitute a breach of this Agreement in a manner as if the same were contained herein as covenants. Notice of such Rules and Regulations and amendments and supplements thereto, if any, shall be given to the City by Second Phase. No Rule or Regulation or amendment or supplement thereto shall contradict any provision of this Agreement.

4. Second Phase shall operate, maintain and repair the vehicular access route and the costs thereof incurred by Second

Phase shall be borne, it is agreed, by the City, Second Phase Civic Square Limited, and such other users permitted by Second Phase in such amounts as may be agreed upon from time to time and failing agreement the same shall be settled by arbitration pursuant to section 17.01 of the Ground Lease to Second Phase. Without limiting the generality of the foregoing:

- (a) it is agreed that Second Phase as owner and manager of the vehicular access route shall:
 - (i) manage the vehicular access route's maintenance, operation and repair and the costs thereof, including, heating, public utilities, ventilation, lighting, electricity (including that used for signs), fire protection equipment, snow removal, cleaning, security, as well as salaries and other remuneration (including contributions towards the usual fringe benefits to and for the benefit of personnel and staff employed to provide the said maintenance, operation and repair), as well as the cost to Second Phase of equipment and the rental of equipment and the cost of supplies used by Second Phase in its maintenance, operation and repair.
 - (ii) invoice and collect each user's share of these costs.
- (b) it is agreed that the said costs of the vehicular access route (herein called the "vehicular access route's costs") to be shared amongst the users shall include the costs or expenses for each of the matters in paragraph 4(a)(i) above including an administration overhead charge equal to fifteen per cent (15%) of the vehicular access route costs;
- (c) The City covenants to pay to Second Phase the City's share of the vehicular access route costs.
- (d) Second Phase agrees that the vehicular access route costs shall not include costs related to the matters referred to in paragraphs 2(h)(i) or in 6(e) where such costs are those of Second Phase, its servants, agents, employees, contractors, licensees or anyone for whom in law it is

responsible and any other user except the City, when such costs are the responsibility of the City pursuant to such paragraphs.

5. (a) All calculations made or referred to herein shall be made in accordance with generally accepted accounting principles and practices applied on a consistent basis. Subject as hereinafter provided, the City agrees that any monies, expenses or charges which are to be paid by the City to Second Phase are due and payable within thirty (30) days of receipt of invoice and thereafter interest on any amount unpaid shall accrue at the then Bank of Montreal prime rate plus three percent (3%) per annum until paid.

For the purposes hereof, "prime rate" means the floating annual rate of interest established from time to time by Bank of Montreal as the rate it will use to determine rates of interest payable by its borrowers on Canadian dollar commercial loans made by Bank of Montreal to such borrowers in Canada and designated by the Bank of Montreal as its prime rate.

- (b) If the City shall fail or neglect to conform or comply with any of the terms, covenants and conditions contained in this Agreement (other than the covenants to pay sums required to be paid to Second Phase by any provision of this Agreement), Second Phase may notify the City in writing of the default and the City shall forthwith, after receiving such Notice, commence to and shall remedy the breach complained of in such Notice within 45 days if the breach is capable of being remedied within such period and otherwise shall prosecute same with diligence to completion in the shortest period reasonably possible after the date of receipt of such Notice.
- (c) If any sum of money required to be paid to Second Phase by any provision in this Agreement shall not be paid by

the City when such payment is due, the provisions of paragraph 14(i)(ii) and 14(i)(iii) of the Interface Agreement shall be applicable.

- (d) If the City does not comply with paragraph 5(b) hereof as required, Second Phase in addition to or together with any other remedy available at law to Second Phase (provided the matters in dispute shall not have been referred to arbitration) on not less than sixty (60) days' notice to the City, may terminate this Easement Agreement unless within such sixty (60) day notice period the City shall comply with paragraph 5(b) hereof.

- 6. (a) Notwithstanding that the City shall have complied in all respects with its obligations under this Agreement, if Second Phase wishes to establish an alternate vehicular access route, then, on not less than one (1) year's prior written notice to the City given by Second Phase, this easement agreement shall terminate as of the date stated in the notice.
- (b) In the event that this easement agreement is terminated in accordance with the preceding provision 6(a), Second Phase shall provide for an alternate vehicular access route or routes and a new easement therefor. Such alternate vehicular access route may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined thereafter, provided that during construction of an alternative vehicular access route, a temporary vehicular access route will be available.
- (c) The City acknowledges and agrees that the vehicular access route (or portions of it) may be closed for such time as may be reasonably necessary for repairs, maintenance and alterations or due to unforeseen and unusual circumstances. In particular and without limiting the generality of the foregoing, Second Phase shall be entitled to close the

vehicular access route at any time or from time to time throughout the term hereof, upon at least seven (7) days' notice to the City, for such temporary periods of time as may be reasonably necessary for the purpose of fulfilling its obligations and exercising its rights under this Agreement, and the City shall not be entitled to claim from or be paid any amount by Second Phase in respect of such closure or resulting inconvenience or expense.

- (d) Anything in this Agreement to the contrary notwithstanding, providing such cause is not due to the wilful act or omission of Second Phase, Second Phase shall not be deemed in default with respect to the performance or fulfilment of any of the terms, covenants and conditions of this Agreement if the same shall be due to any cause beyond Second Phase's control or otherwise including, without limitation, strike, lockout, failure of powers, civic commotion, warlike operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or controls, inability to obtain any material or service, or non-delivery of equipment, or through Act of God.
- (e) If the vehicular access route, including its doors, equipment and fixtures including the entrances thereto, the boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning or the ceiling, walls or floors of the vehicular access route or any part thereof become damaged or destroyed through the negligence, carelessness or misuse of the City, its servants, agents, employees, contractors, licensees or anyone for whom in law the City is responsible, or through it or them in any way stopping up or injuring the heating apparatus, water pipes, drainage pipes or other equipment or part of the site, the expense of the necessary repairs, replacements or

alterations shall be borne by the City who shall pay the same to Second Phase forthwith upon demand.

7. The City hereby agrees to indemnify and save harmless Second Phase against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the Second Phase may bear, suffer, incur, become liable for or be put to by reason of any damage to property or injury or death to persons by reason of, arising out of or in consequence any breach, violation or non-performance by the City or anyone for whom the City is responsible in law of any provision of this Agreement, or by reason of or arising out of its use of the vehicular access route or any part thereof or by reason of or arising out of any fault, neglect or default by the City or of any of its agents or employees or any other person or persons for whom the City is responsible in law in or on the vehicular access route. The rights to indemnity contained in this paragraph shall survive any termination of this Agreement, in respect of any matter arising prior to such termination, anything in this Agreement to the contrary notwithstanding.
8. This Agreement may not be modified or amended, except by an instrument in writing of equal formality herewith.
9. No waiver by any of the parties hereto of the breach of any covenant or provision hereunder shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenants or provisions hereunder. No waiver shall be effective unless in writing.
10. This Agreement shall be registered on title to the land described in Schedules "A" and "C" by the City forthwith after its execution by the parties hereto.

11. (a) This Agreement shall be binding upon and shall enure to the benefit of the City, its successors and its assigns and this Agreement shall bind and run with the lands described in Schedule "A" and Schedule "C".
- (b) In the event that the Ground Lease to Second Phase is terminated prior to the expiration of its term, this Easement Agreement shall also terminate.
- (c) The City covenants and agrees that it will not dispose, by way of sale, transfer and/or assignment, or in any other way whatsoever, of any of its interests in the land described in Schedule "C" and in this Agreement unless and until such disposition is in compliance with the following:
- (i) The City shall have first acquired from any such purchaser, transferee or assignee, on closing, their Undertaking to Second Phase, satisfactory to Second Phase acting reasonably to abide by and be bound by all of the terms, covenants and conditions of this Agreement and without delivering such undertaking to Second Phase. The Undertaking shall be in the form attached hereto as Schedule "D". Such undertaking after execution by the parties thereto shall forthwith be registered on title by the party subsequent in interest;
- (ii) the party subsequent in interest to the City must receive not less than all of the City's interest in this Easement Agreement.
12. (a) This Agreement is subject to and shall not take effect until the following approvals are received:
- (i) the approval of the Ontario Provincial Minister of Municipal Affairs and Housing; and,
- (ii) the approval of Canada Mortgage and Housing Corporation.
- (b) The City will apply for the approvals set out in paragraph 12(a) and take all necessary steps for such applications.

Second Phase agrees to co-operate in the obtaining of such approvals.

13. Time shall be of the essence of this Agreement.
14. (a) Any notice required or permitted to be given hereunder shall be sufficiently given if in writing and mailed by registered mail, postage prepaid, as follows:

If to Second Phase:

Second Phase Civic Square Limited
c/o Yale Properties Limited
2015 Peel Street
Montreal, Quebec
H3A 1T8

Attention: Mr. Emile Mashaal

With a copy to:

Messrs. Milligan, Gresko, Charuk & Rogers
Barristers & Solicitors
330-110 King Street West
Hamilton, Ontario
L8M 3M8

Attention: Mr. James G. Milligan

If to the City:

The Corporation of the City of Hamilton
City Hall
Attention: City Clerk
71 Main Street West
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

- (b) Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth (5th) business day following the date of such mailing. Any party hereto may at any time give notice to any one or more of the parties hereto by a notice in writing served personally upon an Officer of such party or parties or in the case of the City, upon an official of the City, in which case, notice shall be deemed to be given and received on the day of such personal service.
- (c) Any party may at any time give notice to the other parties of any change of address of the party giving such notice and from and after the giving of such notice, the address

therein specified shall be deemed to be the address of such party and any party may require that notice be given to other persons, corporations or entities who or which may or may not have an interest in this Agreement and upon the giving of notice of such requirement and the address for such required notice, then such person, corporation or entity shall be deemed to have been named above for the purpose of giving and receiving notice thereafter.

- (d) The captions used in this Agreement are for convenience only and shall not be construed in interpreting this Agreement. Wherever from the context it appears appropriate, each term stated in either the singular or the plural shall include the singular and the plural, and pronouns stated in the masculine or the neuter gender shall include the masculine and neuter.
 - (e) The parties agree that all of the provisions of this Agreement are to be construed as covenants and agreements as though the words importing such covenants and agreements were used in each separate paragraph hereof. Should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable from the Agreement and its remaining provisions shall remain in full force and be binding upon the parties hereto as though the said provision or provisions had never been included.
15. (a) The parties agree that the arbitration provision contained in Section 17.01 of the Ground Lease to Second Phase shall apply to any dispute which arises in respect of the provisions hereof.
- (b) Subsequent to the execution of this Agreement, Second Phase will request from its mortgagee or mortgagees, as the case may be, a non disturbance agreement in favour of the City, of this Easement in the event such mortgagee(s) shall exercise its security, provided the City shall be

fulfilling all of its obligations relating to this Easement and this Agreement. Second Phase shall use its reasonable efforts to obtain such non disturbance agreement. It shall be a term of the said non disturbance agreement that it shall be in favour of the City, its successors and assigns and that the mortgagee shall postpone its mortgage to the Easement granted herein to the City.

16. This Agreement may be executed in several counterparts each of which when executed by the parties shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have hereunto caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF HAMILTON

_____(c/s)
Mayor

City Clerk

SECOND PHASE CIVIC SQUARE LIMITED

Per: _____(c/s)
President

Per: _____
Secretary

LIST OF SCHEDULES

(attached to and forming part of an Agreement dated February 12, 1990 entered into between SECOND PHASE CIVIC SQUARE LIMITED and THE CORPORATION OF THE CITY OF HAMILTON.)

- | | | |
|--------------|---|---|
| Schedule "A" | - | Legal description of vehicular access route |
| Schedule "B" | - | Legal description of new truck route |
| Schedule "C" | - | Legal description of City's Library/Farmer's Market Complex |
| Schedule "D" | - | Blank form of Undertaking Agreement |
| Schedule "E" | - | Demised premises leased to Second Phase |

SCHEDULE "A"

Attached to and forming part of an Agreement
dated the 12th day of February, 1990 between
Second Phase Civic Square Limited and
The Corporation of the City of Hamilton

Part of York Street as closed by City of Hamilton
By-Law 72-271, registered as Instrument No. 270102 A.B.,
Registered Plan 39, now abstracted in the Jackson Square,
designated as Part 4 on Plan 62R-8136.

City of Hamilton

Regional Municipality of Hamilton-Wentworth

SCHEDULE "B"

Attached to and forming part of an Agreement
dated the 12th day of February, 1990 between
Second Phase Civic Square Limited and
The Corporation of the City of Hamilton

Those lands located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lots 1, 2, 3, 4 and 5, fronting on Market Street, part of Lot 6, fronting on Bay Street in Block 2, part of Market, Park and York Streets, as closed by City of Hamilton By-law 72-270, By-law 81-14 and By-law 72-271, registered as Instrument Nos. 270101 A.B., 174954 C.D. and 270102 A.B. respectively, part of an unnumbered Lot in the block bounded by York Street, Park Street and York Boulevard (formerly Merrick Street) and MacNab Street, all according to David Kirkendall Survey, Registered Plan No. 39; part of Lots 7, 8, 9 and 10, part of an alley in the block bounded by Market, Park, York and MacNab Streets, according to an unregistered Plan of Subdivision, A. N. MacNab Survey, designated as Part 1, on Reference Plan 62R-8136 deposited in the Land Registry Office at Hamilton.

SCHEDULE "C"

Attached to and forming part of an Agreement
dated the 12th day of February, 1990 between
Second Phase Civic Square Limited and
The Corporation of the City of Hamilton

Firstly

Part of Block 4, Registered Plan 39, Part of A. Miller 7 acre Tract, Registered Plan 50, part of York Street as closed by City of Hamilton By-Law 72-271, registered as Instrument No. 270102 A.B. and part of MacNab Street as closed by City of Hamilton By-Law 70-277, registeed as Instrument No. 182919 A.B., now all abstracted in the Jackson Square, described as follows:

Commencing at a point in the southern limit of York Boulevard as widened by City of Hamilton By-Law 71-133, distant thirty four point nine zero metres (34.90m) east of the eastern limit of Park Street.

Thence South seventeen degrees fifty minutes fifty seconds west (S 17° 50' 50" W) fifty nine point eight two metres (59.82m) to a point.

Thence South seventy-two degrees nine minutes and ten seconds east (S 72° 09' 10" E) a distance of ninety-two point five six metres (92.56m) to a point.

Thence North seventeen degrees fifty minutes fifty seconds East (N 17° 50' 50" E) fifty-six point three three metres (56.33m) more or less to the southern limit of York Boulevard as widened.

Thence North seventy degrees one minute and fifty seconds West (N 70° 01' 50" W) ninety two point six two metres (92.62m) to the point of commencement.

Save and excepting part of said MacNab Street in the parcel register for Parcel 1-1, Section W50 designated as Part 11 on Plan 62R-591.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

Secondly

Part of Parcel 1-1
Section W50 Freehold

Part of MacNab Street as closed by City of Hamilton By-Law 70-277, registered as Instrument No. 182919 A.B., designated as Part 11 on Plan 62R-591.

City of Hamilton
Regional Municipality of Hamilton-Wentworth

being part of the Parcel.

SCHEDULE "D"

(Attached to and forming part of the AGREEMENT dated February 12, 1990 entered into between SECOND PHASE CIVIC SQUARE LIMITED and THE CORPORATION OF THE CITY OF HAMILTON)

THIS AGREEMENT made as of the _____ day of _____ 1990.

B E T W E E N:

(hereinafter called the "Successor")

OF THE FIRST PART

- and -

(hereinafter called the "Lessee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "City")

OF THE THIRD PART

WITNESSETH THAT:

WHEREAS by a Ground Lease dated _____ wherein the City did demise and lease unto the Lessee the land therein described, which land (hereinafter called the "Leasehold Land") is described in Schedule "A" attached hereto, for and during the term of years to be complete and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the said Ground Lease which lease was registered as Instrument No. _____;

AND WHEREAS by the Agreement dated _____, the City did grant to the Lessee, the right, interest and easement in the land described in Schedule "B" attached hereto to use a new truck route adjacent to the Copps Coliseum subject to the terms and conditions contained therein; (hereinafter this Agreement shall be referred to as the "Easement Agreement");

AND WHEREAS it is a term of the Easement Agreement that the Lessee shall not sell, transfer or assign any of its leasehold interest without first requiring any such purchaser or assignee (hereinafter called the "Successor") to enter into this Agreement with the City (hereinafter called the "Agreement") with respect to the said Easement Agreement;

AND WHEREAS the Lessee has entered into an Agreement dated _____ with the Successor (hereinafter called the "Contract");

NOW THEREFORE in consideration of the sum of FIVE-----(\$5.00)-----DOLLARS and other good and valuable consideration paid by the City to each of the other parties hereto (the receipt in sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1. (a) The Successor and the Lessee agree with each other and covenant to the City that the Contract is expressly subject to the rights of the City and to the obligations of the Lessee under the Easement Agreement.
- (b) The Successor hereby undertakes, covenants, promises and agrees to the Lessee and to the City that the Successor shall perform and abide by and be bound by at all times all of the terms, covenants and conditions and obligations on the part of the Lessee contained in the Easement Agreement and that the City shall be entitled to all remedies in respect of breaches of covenants and conditions as if the Successor were named in the Easement Agreement.
- (c) The Successor shall at all times comply with the terms, provisions and conditions of the Easement Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times and, without limiting the generality of the foregoing, it is further acknowledged and agreed by the Lessee and the Successor that the obligations of the Lessee under the Contract shall be subject always to the Lessee's obligation under the Easement Agreement not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement.
- (d) The Lessee and the Successor hereby covenant with each other that the Contract between them is subject to an obligation and covenant between them not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement and covenant further to do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times.
- (e) The Lessee and the Successor hereby acknowledge and agree that wherever and whenever a conflict shall arise between the rights of The Corporation of the City of Hamilton under the Easement Agreement and the provisions of the Contract, the rights of the City shall prevail.
- (f) This Agreement shall be registered by the Successor in the Land Registry Office against the Lessee's Leasehold Land described in Schedule "A" forthwith after its execution.
- (g) This Agreement is entered into and delivered to the City as required by the Easement Agreement. It only fulfils the obligations of the Successor named herein. Other parties subsequent in interest to the Lessee including the assigns of the Successor are required to enter into their own Agreement with the City.
- (h) This Agreement to the City shall in no way affect or release the Lessee from its liabilities and responsibilities under the terms of the Easement Agreement arising or relating to the period ending on the date of registration of this Agreement and the Lessee covenants and agrees with the City that it shall remain responsible for all of such liabilities and responsibilities during such period notwithstanding this Agreement nor the Contract. By joining in this Agreement, the City does not thereby acknowledge or approve of any of the terms of the Contract between the Lessee and the Successor. From and after the date the Successor has satisfied the requirements in the Easement Agreement for the assignment of such Agreement to the Successor (including the execution and registration of this Agreement), the Lessee, shall be released from its obligations contained in the Easement Agreement and in this Agreement for matters arising prior to such date of registration.
2. (a) Any notice in writing required or permitted to be given to the Lessee hereunder shall be given by registered mail, postage prepaid, addressed to:

(b) Any notice in writing required or permitted to be given to the Successor hereunder shall be given by registered mail, postage prepaid, addressed to:

(c) Any notice in writing required or permitted to be given to the City shall be given by registered mail, postage prepaid, addressed to:

The Corporation of the City of Hamilton
 Attention: City Clerk
 City Hall
 71 Main Street West
 P.O. Box 2040
 Hamilton, Ontario
 L8N 3T4

(d) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(e) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

3. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Undertaking and to carry out and perform the same in accordance with its terms.

4. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

Per: _____ c/s

Per: _____

THE CORPORATION OF THE CITY OF HAMILTON

_____ c/s
 Mayor

_____ City Clerk

Per: _____ c/s
 (referred to as "the Successor")

Per: _____

Schedule "A"	-	Leasehold Land
Schedule "B"	-	Legal description of truck route

SCHEDULE "E"

Attached to and forming part of an Agreement dated the 12th day of February, 1990 between Second Phase Civic Square Limited and The Corporation of the City of Hamilton

REVISED DESCRIPTION OF PART TWO LANDS

FIRSTLY:-

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Andrew Miller's Seven Acre Tract as shown on Registered Plan No. 50 in the block bounded by Market, MacNab, King and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by York, MacNab, Market and Park Streets sometimes known as part of the un-numbered lot according to Sir A. N. MacNab's Survey in the said block, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick, MacNab, York and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick and James Street, Market Square and MacNab Street, all of Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14 and 15 and part of Lots 7 and 10 and part of an alleyway according to Sir A. N. MacNab's Survey in the block bounded by York, MacNab, Market and Park Streets, part of Lots 1 and 2 and the un-numbered lot as shown on D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Market, MacNab, King and Park Streets, part of the said D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Merrick, MacNab, York and Park Streets, parts of Market Street (now closed by City of Hamilton By-laws Nos. 70-276 and 72-270 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Inst. 182918 A.B. and 270101 A.B.) parts of York Street (now closed by City of Hamilton By-laws Nos. 70-278 and 72-271 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Insts. 182920 A.B. and 278102 A.B.), part of MacNab Street (now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Inst. 182919 A.B.), part of Market Square (now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970 and registered as Inst. No. 182921 A.B.) and which said parcel may be more particularly described as follows:-

Premising that all bearings herein are astronomic and are derived from the Ontario Co-ordinate System, Zone 10 Central Meridian 79° 30' West Longitude.

Commencing at a point in the northern limit of King Street as widened by City of Hamilton Bylaw No. 70-336 dated November 10th, 1970 and registered as Inst. 187452 A.B., distant therein North 69°19'50" West Five hundred and eighteen point one three feet (518.13') from the western limit of James Street as widened by City of Hamilton By-law No. 70-335 dated November 10th, 1970 and registered as Inst. No. 187451 A.B.

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, One hundred and sixty-two point five six feet (162.56').

Thence South 72°09'10" East Fifty point zero feet (50.0').

Thence North 17°50'50" East parallel to said western limit of James Street as widened, Two hundred and twenty-seven point eight six feet (227.86').

Thence South 72°09'10" East One hundred and thirty-eight point one seven (138.17') more or less to a south west corner of the existing Market Ramp Garage.

Thence North 17°59'40" East along the western face of a western wall of the said Market Ramp Garage, Thirteen point two seven feet (13.27') to an angle therein.

Thence North 71°57'55" West along the southern face of a southern wall of the said Market Ramp Garage, Thirteen point zero one feet (13.01') to an angle therein.

Thence North 17°59'40" East along a western face of a western wall of the said Market Ramp Garage, Eighty-nine point eight nine feet (89.89').

Thence North 72°09'10" West, Three hundred and fifty-three point five zero (353.50').

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, twenty-nine point three zero feet (29.30').

Thence North 72°09'10" West, eighty-three point zero feet (83.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and eighteen point eight four feet (218.84').

Thence South 72°09'10" East Twenty point zero feet (20.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and ninety point four eight feet (290.48') more or less to the said northern limit of King Street as widened.

Thence South 68°32' East along the last mentioned limit One hundred and twenty-three point two two feet (123.22') to an angle therein.

Thence South 69°19'50" East continuing along the said northern limit of King Street as widened, One hundred and eighteen point one seven feet (118.17') more or less to the point of commencement.

SUBJECT to and together with the easements and other rights and obligations reserved, granted, set forth and more particularly described in Schedule "C" to a lease dated the 19th day of November, 1975 between The Corporation of the City of Hamilton, as lessor therein, Second Phase Civic Square Limited, as lessee therein, and Yale Properties Limited, as guarantor therein, registered in the said Registry Office on August 16, 1976 as Instrument No. 21613 C.D.

All of which said parcel is now known as part of The Lloyd D. Jackson Square or Civic Square in the block bounded by King, James, Merrick and Bay Streets, previously described in Instrument No. 21613C.D.

SECONDLY:- Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 62R- ; City of Hamilton; Regional Municipality of Hamilton-Wentworth.

THIS AGREEMENT made this 13th day of February, 1990.

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called the "City"

OF THE FIRST PART,

- and -

SECOND PHASE CIVIC SQUARE LIMITED

Hereinafter called "Lessee"

OF THE SECOND PART

WHEREAS:

1. The City has entered into a Ground Lease with Second Phase Civic Square Limited in respect of the land described in Schedule "B" attached hereto, such Lease dated November 19, 1975, is registered as Instrument No. 21613 C.D.;

2. The City has entered into a Ground Lease with Fourth Phase Civic Square Limited (hereinafter referred to as "Fourth Phase") dated June 1, 1981, which Lease has been registered as Instrument No. 197189 C.D.;

3. The City has entered into a Ground Lease with Lakeview Development Ltd. (hereinafter referred to as "Lakeview" dated May 3, 1983, which Lease has been registered as Instrument No. 271066 C.D. on January 31, 1984;

4. The City, Lakeview, Second Phase Civic Square Limited and Fourth Phase Civic Square Limited have entered into an Interface Agreement dated July 30, 1984, which Agreement has been registered as Instrument No. 161659 L.T. and as Instrument No. 320192 C.D. (herein referred to as the "Interface Agreement");

Appendix "F" as referred to in Section 8(f) of the SIXTH Report for 1990 of the Planning & Development Committee.

5. Section 6 of the Interface Agreement includes provisions in respect of:

-the reconstruction and extension of a truck route previously constructed by Fourth Phase Civic Square Limited, pursuant to the Fourth Phase Ground Lease.

-That after the reconstructed and extended truck route is completed by the City in conjunction with the construction of the Trade Centre/Arena known as the Victor K. Copps Coliseum (hereinafter referred to as "Copps Coliseum"), the Interface Agreement includes provisions for:

- (i) the preparation and deposit by the City of a reference plan of survey; and,
- (ii) easement agreements for the reconstructed and extended truck route including an easement from the City as Transferor in favour of the Lessee as Transferee;

6. The reconstructed and extended truck route was completed by the City on the land described in Schedule "A" attached hereto (hereinafter referred to as the "new truck route") on or about the 29th day of November, 1985.

A survey was prepared and deposited by the City as Plan 62R-8136 and a legal description of the new truck route is attached hereto as Schedule "A".

7. The parties hereby wish to enter into the easement agreement referred to in the above mentioned Interface Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of TWO DOLLARS (\$2.00) now paid by each party to the other (the receipt of which is acknowledged), the parties hereto agree as follows:

1. Subject to the conditions contained herein and in the Interface Agreement, the City hereby transfers in common with all others entitled thereto from time to time, to the Lessee, to be enjoyed and used as appurtenant to the Lessee's leasehold land described in Schedule "B" attached hereto, for and during

the balance of the term of the Ground Lease less one day, (namely, commencing on the date hereof and ending on October 30, 2069 unless the Ground Lease is terminated earlier than October 30, 2069), on, over, along and upon the new truck route, the non-exclusive right, interest and EASEMENT to enter onto and use the Schedule "A" land as a right-of-way for vehicular access only in a one way direction as follows:

- (a) commencing at the Easterly limit of the public highway known as Bay Street North and continuing in a one way direction along the new truck route to the loading dock to be constructed by the Lessee on the land described in Schedule "C" hereto, (hereinafter referred to as the "loading dock") which land is part of the land described in said Schedule "B"; and
- (b) continuing in the same one way direction from the loading dock along the new truck route to the Southerly limit of the public highway known as York Boulevard.

2. The Lessee covenants and agrees that its use of the new truck route shall:

- (a) be limited to trucks and other vehicles delivering or removing supplies, materials, equipment, furniture, garbage and such other matters and things as may reasonably be required by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them, to and from the loading dock;
- (b) be used solely by the Lessee, its suppliers, contractors, employees, agents and commercial tenants and all those claiming under them for the purposes set out in paragraph (a) above, (and shall not be used for the transportation of persons to and from the Lessee's premises described in Schedule "B" including, without limitation employees, guests or visitors nor shall it be used for any other purpose including, without limitation, by taxis or by cars for access to and from any car parking lot or garage.)

- (c) be used in common with such other users as may now be or hereafter be permitted from time to time by the City, including, without limiting the generality of the foregoing, the City, its Trade Centre/Arena, Hamilton Entertainment and Convention Facilities Inc. (H.E.C.F.I.), the Public Library Board, The Hamilton Farmer's Market, Second Phase Civic Square Limited, Fourth Phase Civic Square Limited and GGS Hotel Holdings (Canada) Inc.;
- (d) be used in a reasonable manner, consistent, appropriate and taking into consideration the use and requirements of all other users and which shall not unnecessarily or unreasonably interfere with the use of the new truck route by other users; without limiting the generality of the foregoing, the Lessee covenants to the City that the Lessee's use of the new truck route and the use of those claiming under it shall not unnecessarily or unreasonably interfere with the business of H.E.C.F.I., the Public Library Board or the Hamilton Farmers' Market;
- (e) be controlled in such reasonable manner as may be agreed upon by the City, Fourth Phase and GGS Hotel Holdings Canada Inc.;
- (f) be in compliance with all parliamentary and legislative enactments and with all by-laws and regulations of general application;
- (g) be subject to all rights now or that may hereafter be vested in or reasonably required by the City, The Regional Municipality of Hamilton-Wentworth (herein called "the Region"), or in or by any gas, electric, telephone, telegraph, cable T.V., electric light, or other company, for the operation, maintenance, replacement and repair of the new truck route and of the Copps Coliseum or the adjacent streets including without limitation, the construction, repair, replacement or removal of sewers, culverts, drains, water or gas pipes or the placing of poles or wires (herein called "services"). The City expressly reserves to itself, to H.E.C.F.I. and to the Region the right to construct services or permit services to be constructed on, over, in, under and upon the new

truck route and the right to temporarily close the new truck route from time to time to permit the operations contemplated herein; and

(h) The Lessee covenants and agrees:

(i) that it will not bring upon the new truck route or any part thereof, any machinery, equipment, article or thing that by reason of its weight, size or use would in the opinion of the City (acting reasonably) damage the new truck route and will not at any time overload the new truck route by any machinery, equipment, article or thing, or by any act, neglect or misuse on the part of the Lessee or any of its servants, agents or employees or anyone for whom the Lessee is responsible in law. If such overloading shall occur and damage shall ensue, the Lessee shall forthwith repair the same or pay the City the cost of making good the same; and,

(ii) that it will not operate, cause to be operated, use or consent to the use of the new truck route or any part thereof for any purpose other than the purposes permitted in this Agreement.

3. The Lessee acknowledges and agrees that the City, as owner of the new truck route:

(a) may grant such further and other easements on, over, under, along and upon the said new truck route, in common with the use thereof by the Lessee, to the occupier of Part Six, the Lessee of Phase Four, the Lessee of Phase Two and the occupiers of Part Seven, subject to the payment of their share of the new truck route's costs.

(b) the Lessee agrees that all Rules and Regulations and amendments and supplements thereto as are agreed upon from time to time by the City, Fourth Phase and GGS Hotel Holdings (Canada) Inc., shall be binding upon the Lessee. The Lessee agrees to comply with and observe such Rules and Regulations and amendments and supplements, and any failure by the Lessee to keep and observe the same shall constitute a breach of this Agreement in a manner as if the same were contained herein as covenants. Notice of

such Rules and Regulations and amendments and supplements thereto, if any, shall be given to the Lessee by the City. No Rule or Regulation or amendment or supplement thereto shall contradict any provision of this Agreement.

4. The City shall operate, maintain and repair the new truck route and the costs thereof incurred by the City shall be borne, it is agreed, by the City, GGS Hotel Holdings (Canada) Inc., Fourth Phase Civic Square Limited, the Lessee and such other users permitted by the City in such amounts as may be agreed upon from time to time. Without limiting the generality of the foregoing:

- (a) it is agreed that the City as owner and manager of the new truck route shall:
 - (i) manage the new truck route's maintenance, operation and repair and the costs thereof, including, heating, public utilities, ventilation, lighting, electricity (including that used for signs), fire protection equipment, snow removal, cleaning, security, as well as salaries and other remuneration (including contributions towards the usual fringe benefits to and for the benefit of personnel and staff employed to provide the said maintenance, operation and repair), as well as the cost to the City of equipment and the rental of equipment and the cost of supplies used by the City in its maintenance, operation and repair.
 - (ii) invoice and collect each user's share of these costs.
- (b) it is agreed that the said costs of the new truck route (herein called the "new truck route's costs") to be shared amongst the users shall include the costs or expenses for each of the matters in paragraph 4(a)(i) above including an administration overhead charge equal to fifteen per cent (15%) of the new truck route costs;
- (c) The Lessee covenants to pay to the City the Lessee's share of the new truck route costs.
- (d) The City agrees that the new truck route costs shall not include costs related to the matters referred to in paragraphs 2(h)(i) or in 6(e) where such costs are those

of the City, its servants, agents, employees, contractors, licensees or anyone for whom in law it is responsible, and any other user except the Lessee when such costs are the responsibility of the Lessee pursuant to such paragraphs.

5. (a) All calculations made or referred to herein shall be made in accordance with generally accepted accounting principles and practices applied on a consistent basis. Subject as hereinafter provided, the Lessee agrees that any monies, expenses or charges which are to be paid by the Lessee to the City are due and payable within thirty (30) days of receipt of invoice and thereafter interest on any amount unpaid shall accrue at the then Bank of Montreal prime rate plus three percent (3%) per annum until paid.

For the purposes hereof, "prime rate" means the floating annual rate of interest established from time to time by Bank of Montreal as the rate it will use to determine rates of interest payable by its borrowers on Canadian dollar commercial loans made by Bank of Montreal to such borrowers in Canada and designated by the Bank of Montreal as its prime rate.

- (b) If the Lessee shall fail or neglect to conform or comply with any of the terms, covenants and conditions contained in this Agreement (other than the covenants to pay sums required to be paid to the City by any provision of this Agreement), the City may notify the Lessee in writing of the default and the Lessee shall forthwith, after receiving such Notice, commence to and shall remedy the breach complained of in such Notice within 45 days if the breach is capable of being remedied within such period and otherwise shall prosecute same with diligence to completion in the shortest period reasonably possible after the date of receipt of such Notice.
- (c) If any sum of money required to be paid to the City by any provision in this Agreement shall not be paid by the Lessee when such payment is due, the provisions of

paragraph 14(i)(ii) and 14(i)(iii) of the Interface Agreement shall be applicable.

- (d) If the Lessee does not comply with paragraph 5(b) hereof as required, the City may take either or both of the following steps in addition to or together with any other remedy available at law to the City:

- (i) The City, (provided the matters in dispute shall not have been referred to arbitration) on not less than sixty (60) days' notice to the Lessee, may terminate this Easement Agreement unless within such sixty (60) day notice period the Lessee shall comply with paragraph 5(b) hereof; or,

- (ii) Such breach or default may, at the option of the City, be deemed to constitute a default of the Lessee under the Ground Lease and after it has then given the Notice of default pursuant to the Ground Lease, the City shall have its rights under the Ground Lease.

- 6. (a) Notwithstanding that the Lessee shall have complied in all respects with its obligations under this Agreement, if the City wishes to establish an alternate new truck route, then, on not less than one (1) year's prior written notice to the Lessee given by the City, this easement agreement shall terminate as of the date stated in the notice.
- (b) In the event that this easement agreement is terminated in accordance with the preceding provision 6(a), the City shall provide for an alternate truck route or routes and a new easement therefor. Such alternate truck route may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined thereafter, provided that during construction of an alternative truck route, a temporary truck route will be available.
- (c) The Lessee acknowledges and agrees that the new truck route (or portions of it) may be closed for such time as may be reasonably necessary for repairs, maintenance and alterations or due to unforeseen and unusual circumstances. In particular and without limiting the generality of the

foregoing, the City shall be entitled to close the new truck route at any time or from time to time throughout the term hereof, upon at least seven (7) days' notice to the Lessee, for such temporary periods of time as may be reasonably necessary for the purpose of fulfilling its obligations and exercising its rights under this Agreement, and the Lessee shall not be entitled to claim from or be paid any amount by the City in respect of such closure or resulting inconvenience or expense.

- (d) Anything in this Agreement to the contrary notwithstanding, providing such cause is not due to the wilful act or omission of the City, the City shall not be deemed in default with respect to the performance or fulfilment of any of the terms, covenants and conditions of this Agreement if the same shall be due to any cause beyond the City's control or otherwise including, without limitation, strike, lockout, failure of powers, civic commotion, warlike operation, invasion, rebellion, hostilities, military or usurped power, sabotage, governmental regulations or controls, inability to obtain any material or service, or non-delivery of equipment, or through Act of God.
- (e) If the new truck route, including its doors, equipment and fixtures including the entrances thereto, the boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning or the ceiling, walls or floors of the new truck route or any part thereof become damaged or destroyed through the negligence, carelessness or misuse of the Lessee, its servants, agents, employees, contractors, licensees or anyone for whom in law the Lessee is responsible, or through the Lessee or them in any way stopping up or injuring the heating apparatus, water pipes, drainage pipes or other equipment or part of the site, the expense of the necessary repairs, replacements or alterations shall be borne by the Lessee who shall pay the same to the City forthwith upon demand.

7. The Lessee hereby agrees to indemnify and save harmless the City against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer, incur, become liable for or be put to by reason of any damage to property or injury or death to persons by reason of, arising out of or in consequence any breach, violation or non-performance by the Lessee or anyone for whom the Lessee is responsible in law of any provision of this Agreement, or by reason of or arising out of its use of the new truck route or any part thereof or by reason of or arising out of any fault, neglect or default by the Lessee or of any of its agents or employees or any other person or persons for whom the Lessee is responsible in law in or on the new truck route. The rights to indemnity contained in this paragraph shall survive any termination of this Agreement, in respect of any matter arising prior to such termination, anything in this Agreement to the contrary notwithstanding.
8. This Agreement may not be modified or amended, except by an instrument in writing of equal formality herewith.
9. No waiver by any of the parties hereto of the breach of any covenant or provision hereunder shall be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenants or provisions hereunder. No waiver shall be effective unless in writing.
10. This Agreement shall be registered on title to the land described in Schedules "A" and "B" by the Lessee forthwith after its execution by the parties hereto.
11. (a) This Agreement shall be binding upon and shall enure to the benefit of the Lessee, its successors and its assigns permitted by the Ground Lease and this Agreement shall bind and run with the land described in Schedule "A" and the leasehold land described in Schedule "B".

- (b) In the event that the Ground Lease with the Lessee is terminated prior to the expiration of its term, this Easement Agreement shall also terminate.
 - (c) The Lessee covenants and agrees that subject to the terms of its Ground Lease it will not dispose, by way of sale, transfer and/or assignment, or in any other way whatsoever, of any of its interests in the leasehold land described in Schedule "B" and in this Agreement unless and until such disposition is in compliance with the following:
 - (i) Except in the case of the foregoing by way of Charge or Mortgage, the Lessee shall have first acquired from any such purchaser, transferee or assignee, on closing, their Undertaking to the City, satisfactory to the City acting reasonably to abide by and be bound by all of the terms, covenants and conditions of this Agreement and without delivering such undertaking to the City. The Undertaking shall be in the form attached hereto as Schedule "D". Such undertaking after execution by the parties thereto shall forthwith be registered on title by the party subsequent in interest;
 - (ii) the party subsequent in interest to the Lessee must receive not less than all of the Lessee's interest in this Easement Agreement.
 - (d) In the event of the foregoing by way of Charge or Mortgage, the Lessee covenants and agrees that it will not mortgage any of its Leasehold Land described in Schedule "B" nor this Easement Agreement without first acquiring from any such Mortgagee its covenant to the City to comply with this Agreement in the same manner that the Mortgagee is required by sec.16.01 of the Ground Lease to agree to comply with the Ground Lease. Such covenant shall form part of the Mortgagee's Agreement with the City entered into pursuant to sec.16.01 of the Ground Lease.
12. (a) This Agreement is subject to and shall not take effect until the following approvals are received:

- (i) the approval of the Ontario Provincial Minister of Municipal Affairs and Housing; and,
 - (ii) the approval of Canada Mortgage and Housing Corporation.
- (b) The City will apply for the approvals set out in paragraph 12(a) and take all necessary steps for such applications. the Lessee agrees to co-operate in the obtaining of such approvals.

13. Time shall be of the essence of this Agreement.

14. (a) Any notice required or permitted to be given hereunder shall be sufficiently given if in writing and mailed by registered mail, postage prepaid, as follows:

If to the Lessee:

Second Phase Civic Square Limited
c/o Yale Properties Limited
2015 Peel Street
Montreal, Quebec
H3A 1T8

Attention: Mr. Emile Mashaal

With a copy to:

Messrs. Milligan, Gresko, Charuk & Rogers
Barristers & Solicitors
330-110 King Street West
Hamilton, Ontario
L8M 3M8

Attention: Mr. James G. Milligan

If to the City:

The Corporation of the City of Hamilton
City Hall
Attention: City Clerk
71 Main Street West
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

- (b) Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth (5th) business day following the date of such mailing. Any party hereto may at any time give notice to any one or more of the parties hereto by a notice in writing served personally upon an Officer of such party or parties or in the case of the City, upon an official of the City, in which case, notice shall be deemed to be given and received on the day of such personal service.

- (c) Any party may at any time give notice to the other parties of any change of address of the party giving such notice and from and after the giving of such notice, the address therein specified shall be deemed to be the address of such party and any party may require that notice be given to other persons, corporations or entities who or which may or may not have an interest in this Agreement and upon the giving of notice of such requirement and the address for such required notice, then such person, corporation or entity shall be deemed to have been named above for the purpose of giving and receiving notice thereafter.
 - (d) The captions used in this Agreement are for convenience only and shall not be construed in interpreting this Agreement. Wherever from the context it appears appropriate, each term stated in either the singular or the plural shall include the singular and the plural, and pronouns stated in the masculine or the neuter gender shall include the masculine and neuter.
 - (e) The parties agree that all of the provisions of this Agreement are to be construed as covenants and agreements as though the words importing such covenants and agreements were used in each separate paragraph hereof. Should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable from the Agreement and its remaining provisions shall remain in full force and be binding upon the parties hereto as though the said provision or provisions had never been included.
15. The parties agree that the arbitration provision contained in Section 12 of the Interface Agreement shall apply to any dispute which arises in respect of the provisions hereof.
16. (a) In consideration for the grant of the herein Easement to the Lessee, the Lessee hereby agrees and confirms that the Lessee has no right, title or interest to a vehicular access easement from the City pursuant to the Hotel

Interface Agreement except in that land known herein as the new truck route and defined herein as Part 1 on Plan 62R-8136. For greater certainty, the Lessee hereby confirms and agrees that it has no right, title or interest pursuant to the Hotel Interface Agreement or pursuant to this herein agreement to a vehicular access easement from the City in land described as Part 3 on Plan 62R-8136.

- (b) The Lessee acknowledges and agrees that any alteration to its Improvements upon its demised premises which increases the size of the loading dock or provides an additional access point between the new truck route and the demised premises leased to Second Phase, is subject to the approvals of the Lessor under Section 6.04 of the Ground Lease for alterations to the external appearance of its demised premises.

17. This Agreement may be executed in several counterparts each of which when executed by the parties shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties have hereunto caused to be affixed their respective corporate seals attested by the signatures of their respective proper officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF HAMILTON

_____(c/s)
Mayor

City Clerk

SECOND PHASE CIVIC SQUARE LIMITED

Per: _____(c/s)
President

Per: _____
Secretary

LIST OF SCHEDULES

(attached to and forming part of an Agreement dated February 13, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and SECOND PHASE CIVIC SQUARE LIMITED.)

- | | | |
|--------------|---|---|
| Schedule "A" | - | Legal description of new truck route |
| Schedule "B" | - | Legal description of the Lessee's leasehold premises |
| Schedule "C" | - | Legal description of land on which Second Phase loading dock is constructed |
| Schedule "D" | - | Blank form of Undertaking Agreement |

SCHEDULE "A"

Attached to and forming part of an Agreement dated the 13th day of February, 1990 between The Corporation of the City of Hamilton and Second Phase Civic Square Limited

Those lands located in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Lots 1, 2, 3, 4 and 5, fronting on Market Street, part of Lot 6, fronting on Bay Street in Block 2, part of Market, Park and York Streets, as closed by City of Hamilton By-law 72-270, By-law 81-14 and By-law 72-271, registered as Instrument Nos. 270101 A.B., 174954 C.D. and 270102 A.B. respectively, part of an unnumbered Lot in the block bounded by York Street, Park Street and York Boulevard (formerly Merrick Street) and MacNab Street, all according to David Kirkendall Survey, Registered Plan No. 39; part of Lots 7, 8, 9 and 10, part of an alley in the block bounded by Market, Park, York and MacNab Streets, according to an unregistered Plan of Subdivision, A. N. MacNab Survey, designated as Part 1, on Reference Plan 62R-8136 deposited in the Land Registry Office at Hamilton.

SCHEDULE "B"

Attached to and forming part of an Agreement
dated the 13th day of February, 1990 between
The Corporation of the City of Hamilton and
and Second Phase Civic Square Limited

REVISED
DESCRIPTION OF PART TWO LANDS

FIRSTLY:—

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of part of Andrew Miller's Seven Acre Tract as shown on Registered Plan No. 50 in the block bounded by Market, MacNab, King and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by York, MacNab, Market and Park Streets sometimes known as part of the un-numbered lot according to Sir A. N. MacNab's Survey in the said block, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick, MacNab, York and Park Streets, part of Andrew Miller's Seven Acre Tract as shown on the said Registered Plan No. 50 in the block bounded by Merrick and James Street, Market Square and MacNab Street, all of Lots 1, 2, 3, 4, 5, 6, 11, 12, 13, 14 and 15 and part of Lots 7 and 10 and part of an alleyway according to Sir A. N. MacNab's Survey in the block bounded by York, MacNab, Market and Park Streets, part of Lots 1 and 2 and the un-numbered lot as shown on D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Market, MacNab, King and Park Streets, part of the said D. Kirkendall Survey Registered Plan No. 39 in the block bounded by Merrick, MacNab, York and Park Streets, parts of Market Street (now closed by City of Hamilton By-laws Nos. 70-276 and 72-270 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Inst. 182918 A.B. and 270101 A.B.) parts of York Street (now closed by City of Hamilton By-laws Nos. 70-278 and 72-271 dated respectively September 29th, 1970 and October 31st, 1972 and registered as Insts. 182920 A.B. and 278102 A.B.), part of MacNab Street (now closed by City of Hamilton By-law No. 70-277 dated September 29th, 1970 and registered as Inst. 182919 A.B.), part of Market Square (now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970 and registered as Inst. No. 182921 A.B.) and which said parcel may be more particularly described as follows:—

Premising that all bearings herein are astronomic and are derived from the Ontario Co-ordinate System, Zone 10 Central Meridian 79° 30' West Longitude.

Commencing at a point in the northern limit of King Street as widened by City of Hamilton Bylaw No. 70-336 dated November 10th, 1970 and registered as Inst. 187452 A.B., distant therein North 69°19'50" West Five hundred and eighteen point one three feet (518.13') from the western limit of James Street as widened by City of Hamilton By-law No. 70-335 dated November 10th, 1970 and registered as Inst. No. 187451 A.B.

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, One hundred and sixty-two point five six feet (162.56').

Thence South 72°09'10" East Fifty point zero feet (50.0').

Thence North 17°50'50" East parallel to said western limit of James Street as widened, Two hundred and twenty-seven point eight six feet (227.86').

Thence South 72°09'10" East One hundred and thirty-eight point one seven (138.17') more or less to a south west corner of the existing Market Ramp Garage.

Thence North 17°59'40" East along the western face of a western wall of the said Market Ramp Garage, Thirteen point two seven feet (13.27') to an angle therein.

Thence North 71°57'55" West along the southern face of a southern wall of the said Market Ramp Garage, Thirteen point zero one feet (13.01') to an angle therein.

Thence North 17°59'40" East along a western face of a western wall of the said Market Ramp Garage, Eighty-nine point eight nine feet (89.89').

Thence North 72°09'10" West, Three hundred and fifty-three point five zero (353.50').

Thence North 17°50'50" East parallel to the said western limit of James Street as widened, twenty-nine point three zero feet (29.30').

Thence North 72°09'10" West, eighty-three point zero feet (83.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and eighteen point eight four feet (218.84').

Thence South 72°09'10" East Twenty point zero feet (20.0').

Thence South 17°50'50" West parallel to the said western limit of James Street as widened, Two hundred and ninety point four eight feet (290.48') more or less to the said northern limit of King Street as widened.

Thence South 68°32' East along the last mentioned limit One hundred and twenty-three point two two feet (123.22') to an angle therein.

Thence South 69°19'50" East continuing along the said northern limit of King Street as widened, One Hundred and eighteen point one seven feet (118.17') more or less to the point of commencement.

SUBJECT to and together with the easements and other rights and obligations reserved, granted, set forth and more particularly described in Schedule "C" to a lease dated the 19th day of November, 1975 between The Corporation of the City of Hamilton, as lessor therein, Second Phase Civic Square Limited, as lessee therein, and Yale Properties Limited, as guarantor therein, registered in the said Registry Office on August 16, 1976 as Instrument No. 21613 C.D.

All of which said parcel is now known as part of The Lloyd D. Jackson Square or Civic Square in the block bounded by King, James, Merrick and Bay Streets, previously described in Instrument No. 21613C.D.

SECONDLY:— Part of Block 4, and the Block bounded by Merrick, MacNab, York and Park Streets and part of York Street as closed by By-law 72-271, registered as Instrument No. 270102A.B., Registered Plan 39, all abstracted in Jackson Square, designated as Part 1, being part of the said Block 4; and Part 2, being part of the said Block 4 and part of York Street as closed on Plan 62R- ; City of Hamilton; Regional Municipality of Hamilton-Wentworth.

SCHEDULE "C"

Attached to and forming part of an Agreement
dated the 13th day of February, 1990 between
The Corporation of the City of Hamilton and
Second Phase Civic Square Limited

Part of Block 4, in the block bounded by Merrick, MacNab,
York and Park Streets and part of York Street as closed
by By-Law 72-271, registered as Instrument No. 270102 A.B.
Registered Plan 39, all abstracted in Jackson Square,
designated as Part 1, being part of said Block 4; and
Part 2, being part of the said Block 4 and part of York
Street as closed, on Plan 62R-
(RA-H-508 Surveys)

City of Hamilton

Regional Municipality of Hamilton-Wentworth

SCHEDULE "D"

(Attached to and forming part of the AGREEMENT dated February 13, 1990 entered into between THE CORPORATION OF THE CITY OF HAMILTON and SECOND PHASE CIVIC SQUARE LIMITED)

THIS AGREEMENT made as of the _____ day of _____ 1990.

B E T W E E N:

(hereinafter called the "Successor")

OF THE FIRST PART

- and -

(hereinafter called the "Lessee")

OF THE SECOND PART

- and -

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called the "City")

OF THE THIRD PART

WITNESSETH THAT:

WHEREAS by a Ground Lease dated _____, wherein the City did demise and lease unto the Lessee the land therein described, which land (hereinafter called the "Leasehold Land") is described in Schedule "A" attached hereto, for and during the term of years to be complete and ended on the 31st day of October, 2069 at and under the yearly rental, covenants, conditions and agreements expressed and declared in the said Ground Lease which lease was registered as Instrument No. _____;

AND WHEREAS by the Agreement dated _____, the City did grant to the Lessee, the right, interest and easement in the land described in Schedule "B" attached hereto to use a new truck route adjacent to the Copps Coliseum subject to the terms and conditions contained therein; (hereinafter this Agreement shall be referred to as the "Easement Agreement");

AND WHEREAS it is a term of the Easement Agreement that the Lessee shall not sell, transfer or assign any of its leasehold interest without first requiring any such purchaser or assignee (hereinafter called the "Successor") to enter into this Agreement with the City (hereinafter called the "Agreement") with respect to the said Easement Agreement;

AND WHEREAS the Lessee has entered into an Agreement dated _____ with the Successor (hereinafter called the "Contract");

NOW THEREFORE in consideration of the sum of FIVE-----(\$5.00)-----DOLLARS and other good and valuable consideration paid by the City to each of the other parties hereto (the receipt in sufficiency whereof being hereby acknowledged), the parties hereto acknowledge, covenant and agree as follows:

1. (a) The Successor and the Lessee agree with each other and covenant to the City that the Contract is expressly subject to the rights of the City and to the obligations of the Lessee under the Easement Agreement.
 - (b) The Successor hereby undertakes, covenants, promises and agrees to the Lessee and to the City that the Successor shall perform and abide by and be bound by at all times all of the terms, covenants and conditions and obligations on the part of the Lessee contained in the Easement Agreement and that the City shall be entitled to all remedies in respect of breaches of covenants and conditions as if the Successor were named in the Easement Agreement.
 - (c) The Successor shall at all times comply with the terms, provisions and conditions of the Easement Agreement and do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times and, without limiting the generality of the foregoing, it is further acknowledged and agreed by the Lessee and the Successor that the obligations of the Lessee under the Contract shall be subject always to the Lessee's obligation under the Easement Agreement not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement.
 - (d) The Lessee and the Successor hereby covenant with each other that the Contract between them is subject to an obligation and covenant between them not to do or allow to be done any act or omission or other matter or thing which shall constitute or be deemed to constitute a default under the Easement Agreement and covenant further to do all such acts, matters and things as may be requisite and necessary to maintain the Easement Agreement in good standing at all times.
 - (e) The Lessee and the Successor hereby acknowledge and agree that wherever and whenever a conflict shall arise between the rights of The Corporation of the City of Hamilton under the Easement Agreement and the provisions of the Contract, the rights of the City shall prevail.
 - (f) This Agreement shall be registered by the Successor in the Land Registry Office against the Lessee's Leasehold Land described in Schedule "A" forthwith after its execution.
 - (g) This Agreement is entered into and delivered to the City as required by the Easement Agreement. It only fulfils the obligations of the Successor named herein. Other parties subsequent in interest to the Lessee including the assigns of the Successor are required to enter into their own Agreement with the City.
 - (h) This Agreement to the City shall in no way affect or release the Lessee from its liabilities and responsibilities under the terms of the Easement Agreement arising or relating to the period ending on the date of registration of this Agreement and the Lessee covenants and agrees with the City that it shall remain responsible for all of such liabilities and responsibilities during such period notwithstanding this Agreement nor the Contract. By joining in this Agreement, the City does not thereby acknowledge or approve of any of the terms of the Contract between the Lessee and the Successor. From and after the date the Successor has satisfied the requirements in the Easement Agreement for the assignment of such Agreement to the Successor (including the execution and registration of this Agreement), the Lessee, shall be released from its obligations contained in the Easement Agreement and in this Agreement for matters arising prior to such date of registration.
2. (a) Any notice in writing required or permitted to be given to the Lessee hereunder shall be given by registered mail, postage prepaid, addressed to:

(b) Any notice in writing required or permitted to be given to the Successor hereunder shall be given by registered mail, postage prepaid, addressed to:

(c) Any notice in writing required or permitted to be given to the City shall be given by registered mail, postage prepaid, addressed to:

The Corporation of the City of Hamilton
 Attention: City Clerk
 City Hall
 71 Main Street West
 P.O. Box 2040
 Hamilton, Ontario
 L8N 3T4

(d) Any such notice mailed as aforesaid shall be deemed to have been given to the recipient on the fifth business day following the date of such mailing.

(e) Any party may at any time give notice to each of the other parties of any change of address of the party giving such notice and from and after the giving of such notice the address therein specified shall be deemed to be the address of such party.

3. Each of the parties hereto covenants and agrees with the others of them to do all such acts, matters and things as may be requisite and necessary to give full force and effect to the provisions of this Undertaking and to carry out and perform the same in accordance with its terms.

4. This Indenture may be executed in several counterparts each of which when executed shall be deemed to be an original and such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF the parties hereto have duly executed these presents.

Per: _____ c/s

Per: _____

THE CORPORATION OF THE CITY OF HAMILTON

 Mayor

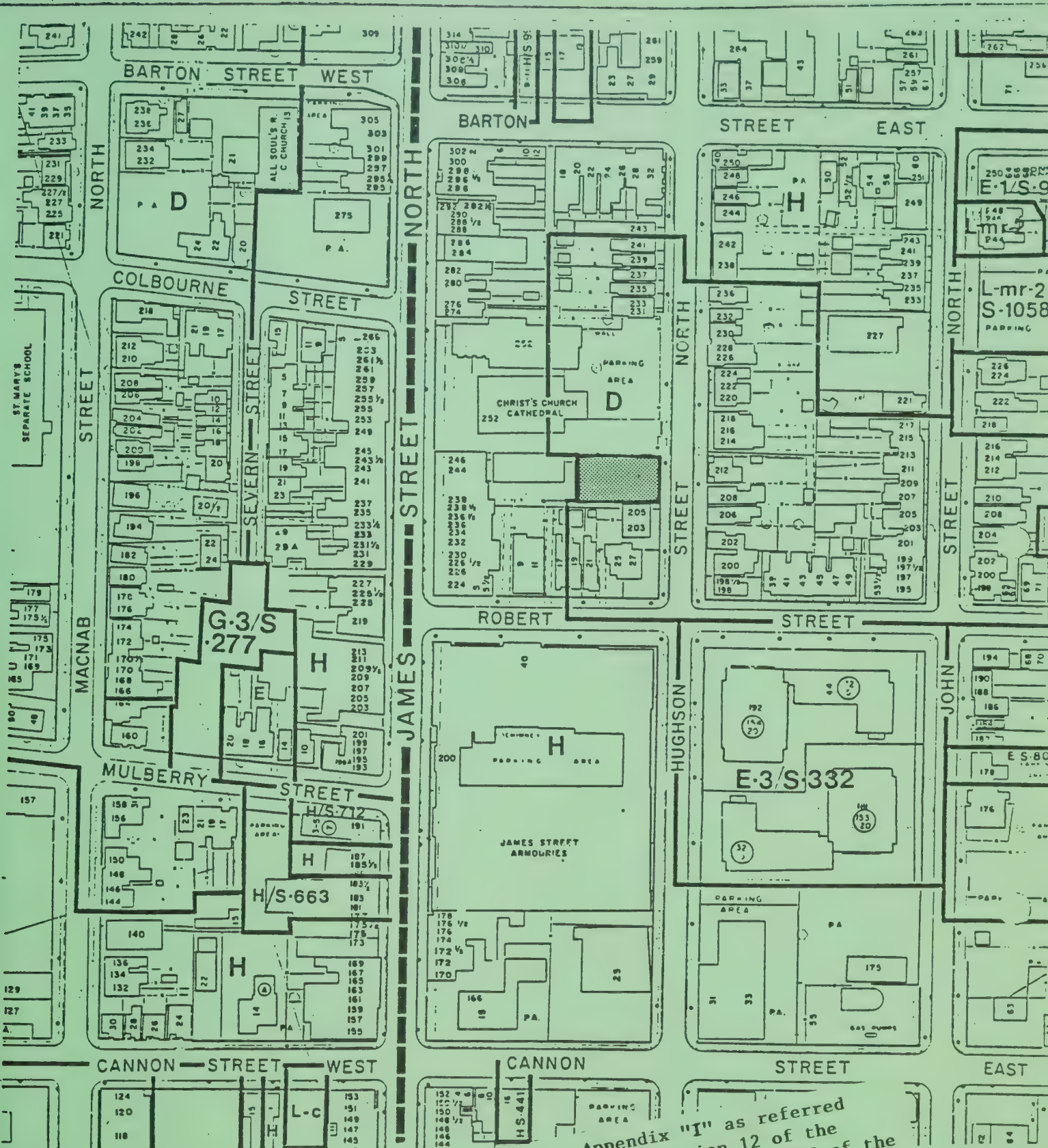
 City Clerk

Per: _____ c/s
 (referred to as "the Successor")

Per: _____

(Attached to and forming part of an AGREEMENT dated the _____ day of _____, 19____, entered into by THE CORPORATION OF THE CITY OF HAMILTON, _____ and THE SUCCESSOR)

- Schedule "A" - Leasehold Land
Schedule "B" - Legal description of truck route

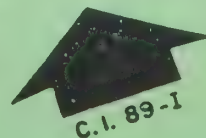


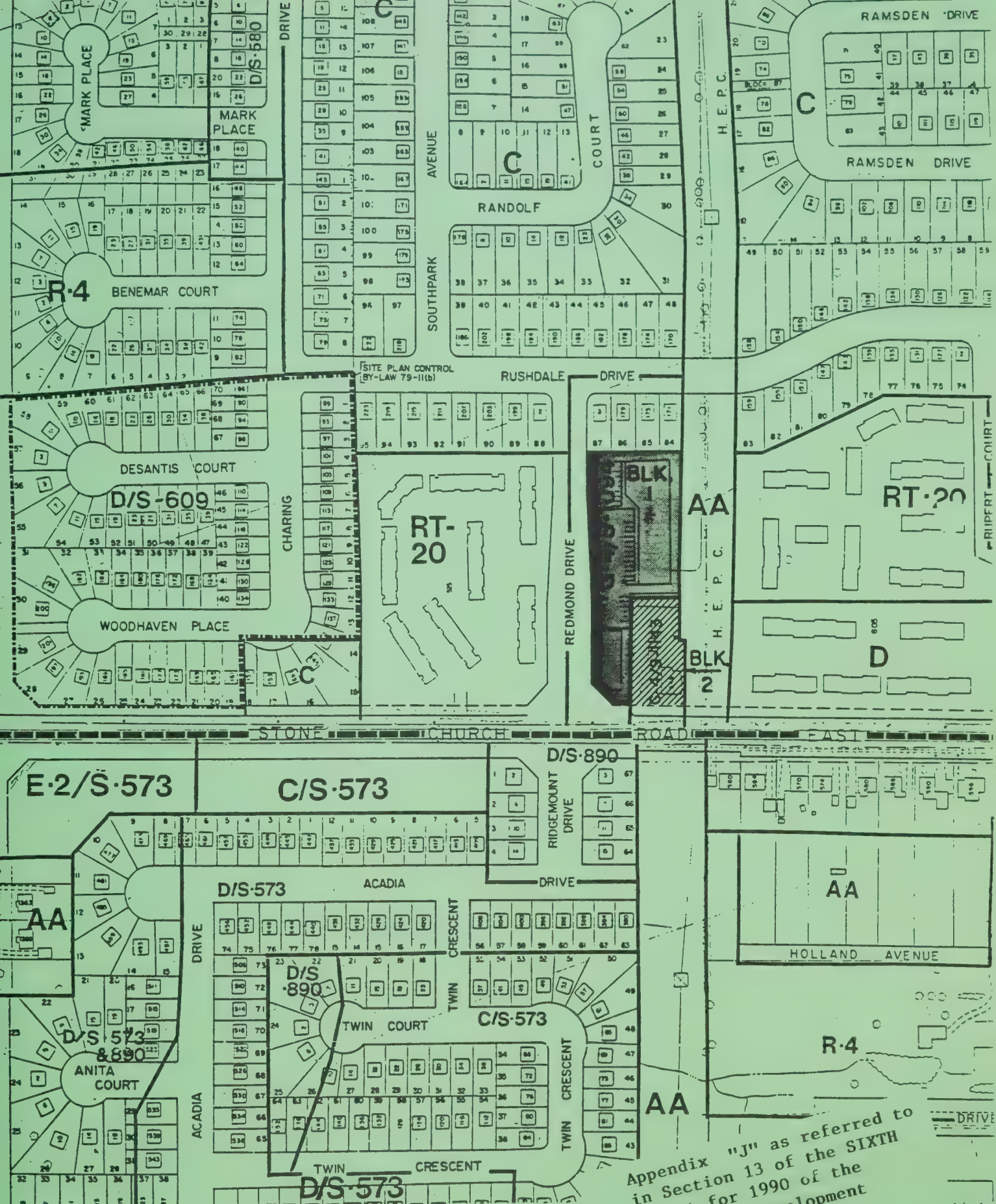
LEGEND



SITE OF THE APPLICATION

Appendix "I" as referred to in Section 12 of the SIXTH Report for 1990 of the Planning & Development Committee.



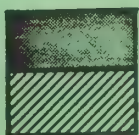


LEGEND

D-123

BLOCK 1

BLOCK 2

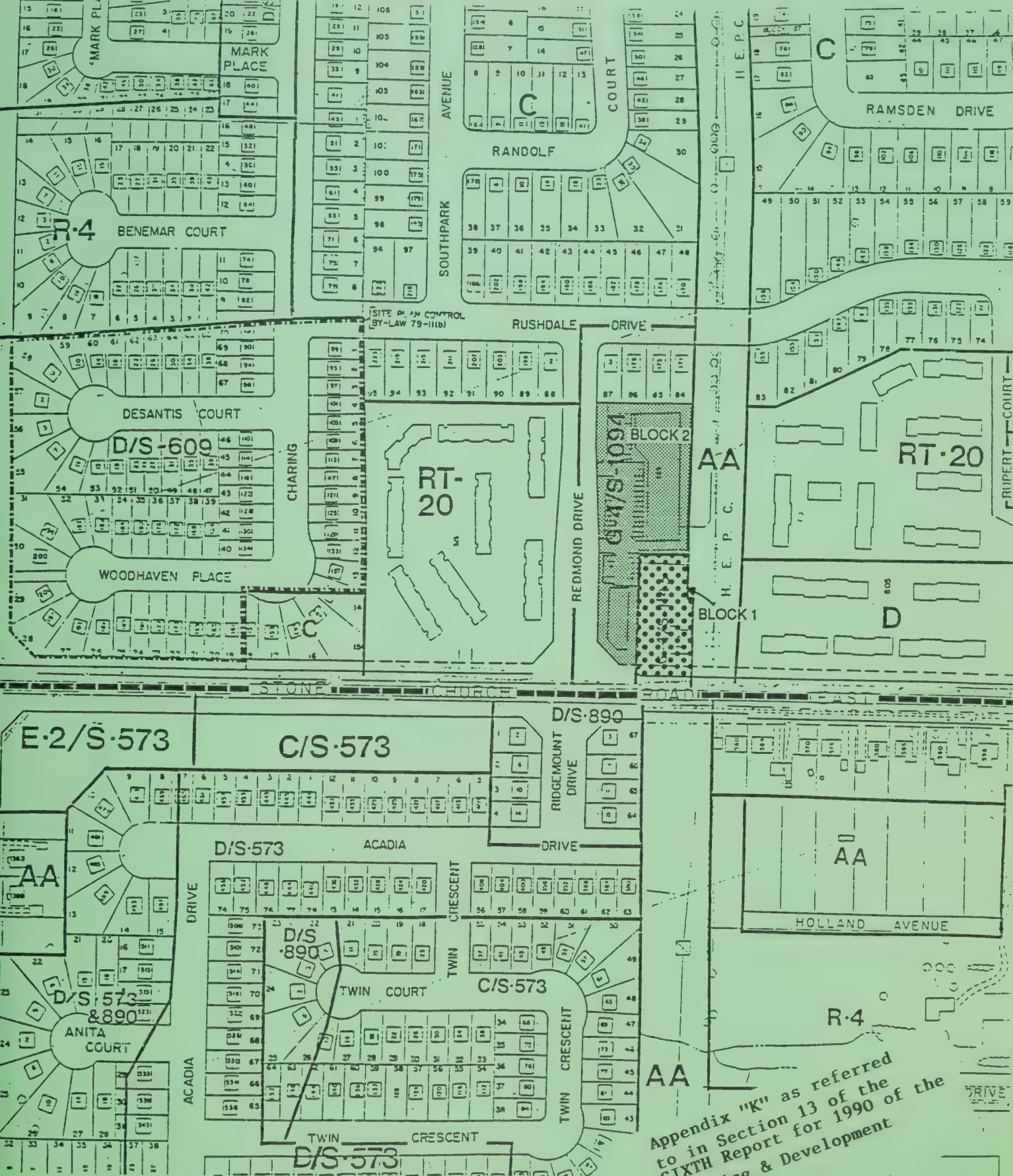


SITE OF THE APPLICATION

Appendix "j" as referred to in Section 13 of the SIXTH Report for 1990 of the Planning & Development Committee.



APPENDIX A



Legend

Change in zoning from:



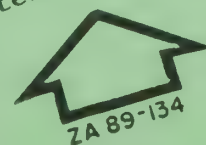
"AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping District, modified).



"C" (Urban Protected Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Centre) District, modified.

D-124

Appendix "K" as referred to in Section 13 of the SIXTH Report for 1990 of the Planning & Development Committee.





Legend



Site of the Application

D-125



Appendix "L" as referred to in Section 14 of the SIXTH Report for 1990 of the Planning & Development Committee.

APPENDIX A

APPENDIX A

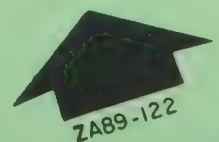


Legend



Site of the Application

Appendix "M" as referred to
in Section 15 of the SIXTH
Report for 1990 of the Planning
& Development Committee.



INFORMATION SYSTEMS COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council

The Information Systems Committee presents its FIRST Report for 1990 and respectfully recommends:

1. (a) That approval be given to Triathlon Leasing of Richmond Hill to provide Leasing services for IBM 3174 Communications Controllers at \$227.39/per month for 60 months in accordance with their Proposal dated 1990 January 24th.
- (b) That the leasing agreement be in a form satisfactory to the City of Hamilton Solicitor (The City of Hamilton is the Lessee).

NOTE: Lowest of six leasing proposals received. Funding to be provided from CH-56638-26022 (Communications equipment leasing.)

2. (a) That approval be given to Triathlon Leasing of Richmond Hill to provide Leasing services for One IBM 3745 Communications Processor (replacement unit) at \$3 194.33/month for 36 months in accordance with their Proposal dated 1990 January 24th.
- (b) That the leasing agreement be in a form satisfactory to the City of Hamilton Solicitor (The City of Hamilton is the Lessee).

NOTE: Lowest of six leasing proposals received. Funding to be provided from Account CH-56638-26022 (Communications equipment leasing).

Respectfully Submitted,

ALDERMAN J. GALLAGHER, CHAIRMAN
INFORMATION SYSTEMS COMMITTEE

Lynn Dale, Acting Secretary
1990 March 02

/lp

REPORT OF HIS WORSHIP MAYOR ROBERT M. MORROW

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Mayor presents his FIRST Report for 1990 and respectfully recommends:

1. That the position of Race Relations Co-ordinator be established within the staff complement of the Culture and Recreation Department with the staff reporting relationship to the Director of Culture and Recreation and the Committee reporting relationship to the Mayor's Race Relations Committee.
2. That the method of financing this position including:

Salary plus benefits - approximately -	\$42,000.00
Accommodation and furnishings -	\$ 3,400.00

be determined by Council.

NOTE: For the information of members of City Council, the Mayor's Race Relations Committee are requesting the establishment of a Race Relations Co-ordinator position to facilitate the activities of the Committee.

RESPECTFULLY SUBMITTED

Mayor Robert M. Morrow
Co-Chairman
Mayor's Race Relations Committee

Stella Glover
Secretary

1990 March 02

REPORT OF THE SPECIAL COMMITTEE TO ADMINISTER
THE HAMILTON-SCOURGE PROJECT

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Special Committee to Administer the HAMILTON-SCOURGE Project presents its FIRST Report for 1990 and respectfully recommends:

1. That application be made to the Ministry of Culture and Communication for a grant under the Cultural Facilities Improvement Programme in the amount of \$300,000.00.

NOTE: The purpose of this grant is to provide for the necessary funds for the Project Archaeologist(s) for a period of 9-14 months, Office Assistant(s) for a period of 12-16 months, Project Office and Operating Costs for a period of 12-16 months. This grant is also required in part to support the JASON Foundation for education endeavour relative to Hamilton and Scourge April/May 1990.

Respectfully submitted,

ALDERMAN W. M. McCULLOCH, CHAIRMAN
SPECIAL COMMITTEE TO ADMINISTER
THE HAMILTON-SCOURGE PROJECT

S. J. Dembe, Secretary
1990 March 6

CA 30 N H B L A 05

A31

Bill No. A-9

GOVERNMENT DOCUMENTS

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Authorize:

REPLACEMENT OF RINK SLAB AND BOARDS FOR THE MOUNTAIN ARENA PROJECT

WHEREAS the Ontario Municipal Board by Order dated the 12th day of January 1990, (File No. E 900021), approved,

- (a) the replacement of Rink Slab and Boards - Mountain Arena Project at an estimated cost of \$425,000.00, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and
- (b) the issuance of the necessary debentures to a maximum of \$425,000.00 for a term not to exceed twenty years by The Regional Municipality of Hamilton-Wentworth chargeable to the applicant corporation;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The undertaking described as the replacement of Rink Slab and Boards for the Mountain Arena Project may now be proceeded with in accordance with the Ontario Municipal Board Order dated the 12th day of January 1990.

2. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all such things necessary to give effect to the said Order of the Ontario Municipal Board.

PASSED this day of A.D. 1990.

City Clerk

Mayor

BY-LAW NO. 90 -

TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 13th DAY OF MARCH A.D., 1990.

WHEREAS by Section 19 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario, 1980, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 103 of The Municipal Act, being Chapter 302 of the Revised Statutes of Ontario 1980, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.
2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.
3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Deputy City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this

day of

A.D. 1990

CITY CLERK

2

MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 30-

TO INCORPORATE BLOCK 28, PLAN 62M-316
INTO BALFOUR DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Balfour Drive by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Balfour Drive.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 1 R.T.E.C. 16, January 30

SCHEDULE 'A'

All of Parcel Block 27-1

Section 62M-316

All of Block 28, according to Plan 62M-316

City of Hamilton

Regional Municipality of Hamilton-Wentworth

being part of the Parcel.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE PART 6, PLAN 62R-7170
INTO REXFORD DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Rexford Drive by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Rexford Drive.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 1 R.T.E.C. 16, January 30

SCHEDULE 'A'

Part of Parcel 1' Reserves -1

Section M-200

being part of Block "AX", according to Plan M-200

City of Hamilton

Regional Municipality of Hamilton-Wentworth

designated as Part 6 on Plan 62R-7170

being part of the Parcel.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE PARTS 12 AND 15, PLAN 62R-6257
INTO QUEEN VICTORIA DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Queen Victoria Drive by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Queen Victoria Drive.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 1 R.T.E.C. 16, January 30

SCHEDULE 'A'

Parts of Lot 6, Concession 7, in the former Township of Barton
City of Hamilton

Regional Municipality of Hamilton-Wentworth
designated as Parts 12 and 15 on Plan 62R-6257.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE BLOCK 26, PLAN 62M-562
INTO MERRILEE CRESCENT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Merrilee Crescent by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Merrilee Crescent.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 1 R.T.E.C. 16, January 30

SCHEDULE 'A'

All of Parcel Reserves -1

Section 62M-562

being all of Block 26, according to Plan 62M-562

City of Hamilton

Regional Municipality of Hamilton-Wentworth

being all of the Parcel.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO INCORPORATE BLOCK B, PLAN 62M-224
INTO FIRENZE STREET

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it expedient to alter a portion of the highway known as Firenze Street by incorporating within its limits the lands described in Schedule "A" hereto;

AND WHEREAS the said lands are owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The lands described in Schedule "A" appended hereto are hereby established and laid out as a public highway to form part of Firenze Street.
2. Schedule "A" attached hereto is included in and forms part of this By-law.
3. The Commissioner of Regional Engineering or his duly authorized agent is hereby authorized to open as public highway the said lands.

PASSED this day of A.D. 1990.

City Clerk

Mayor

(1990) 1 R.T.E.C. 16, January 30

SCHEDULE 'A'

Parcel 1' Reserves -3

Section M-224

All of Block "S", according to Plan M-224

City of Hamilton

Regional Municipality of Hamilton-Wentworth
being all of the Parcel.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 90-

TO AUTHORIZE THE SALE OF RAEBURN ROAD,
DESIGNATED AS PARTS 22, 23, 24 AND 25, PLAN 62R-8933

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 298 of The Municipal Act, R.S.O. 1980, Chapter 302, to stop-up and sell any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, at its meeting of January 30, 1990, passed By-law No. 90-7 to stop-up and close the unopened road allowance known as Raeburn Road, designated as Parts 22, 23, 24, and 25 of Plan 62R-8933, which road allowance is more particularly described in Schedule "A" annexed thereto and forming part of the by-law, and to authorize the sale of the road allowance thereby stopped-up and closed to the owners of the lands abutting to the north and to the south.

AND WHEREAS s.3 of By-law No. 90-7 reads as follows:

If the above-mentioned owners of the abutting lands their successors or assigns do not purchase the said portions of the highway hereby stopped-up and closed within 10 days of the date of passing of this by-law the sale of the said property may be authorized to a other person as may be approved by a subsequent by-law.

AND WHEREAS Russell and Sharon Lucking, owners of the land abutting to the south, did not purchase those portions of the closed road allowance designated as Parts 24 and 25 of Plan 62R-8933, pursuant to s.3 of the said by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The soil and freehold in those portions of the road allowance stopped-up and closed by By-law No. 90-7, which road allowance is known as Raeburn Road and designated as Parts 22, 23, 24 and 25 on Plan 62R-8933, may be offered for sale to the owners of the land abutting to the north, being Bar-Brock Enterprises Ltd., or its successors or assigns, for the sum of TWENTY-TWO THOUSAND, FIVE HUNDRED DOLLARS (\$22,500.00).
2. If the above-mentioned owner of the abutting lands, or its successors or assigns, do not purchase the said portions of the highway hereby stopped-up and closed within 30 days of the date of passing of this by-law, the sale of the said road allowance lands may be authorized to any other person as may be approved by a subsequent by-law.
3. This by-law comes into force and effect on the date of its enactment.

PASSED this day of , A.D. 1990

City Clerk

Mayor

BY-LAW NO. 90 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 10 (Stops at Intersections) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following item, namely:-

"Atwater (west leg) Southbound Marlowe".

2. Schedule 8 (Prohibited Pedestrian Crossings) is hereby amended by adding thereto the following item, namely:-

"Sanford Eastbound and Westbound Cumberland Between the east and
west legs of
Cumberland".

3. Schedule 28 (Taxi Stands) is hereby amended by deleting therefrom the following item, namely:-

"Rebecca North 42 ft. 163 ft. west of Catharine".

and by adding thereto the following item, namely:-

"Rebecca North 87 ft. 118 ft. west of Catharine".

4. Schedule 29 (No Stopping Areas) is hereby amended by adding thereto the following item, namely:-

"Robert North Victoria to a point 48 ft. east Anytime".

5. Schedule 31 (School Bus Loading Zones) is hereby amended by adding thereto the following items, namely:-

"Karen South 40 ft. 116 ft. east of
San Antonio 7:00am-6:00pm
Monday to
Saturday

Karen South 240 ft. 216 ft. east of
San Antonio 7:00am-6:00pm
Monday to
Saturday".

and by deleting therefrom the following item, namely:-

"Karen South 200 feet commencing at a point 7:00am-6:00pm
256 feet east of
San Antonio Monday to
Saturday".

PASSED THIS

DAY OF

, A.D. 19 .

CITY CLERK_____
MAYOR

BY-LAW NO. 90 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. Schedule 24 (Parking Meter Locations) of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended:-

- (a) by deleting the words "fifty cents" from the first line of Section 1(A) and by substituting therefor the words "one dollar"; and
- (b) by deleting the words "twenty-five cents" from the first line of Section 2(A) and by substituting therefor the words "fifty cents"; and
- (c) by deleting the words "50 cents" from the first line of Section 2(B) and by substituting therefor the words "one dollar"; and
- (d) by deleting the words "25 cents" from the first line of Section 3(a) and by substituting therefor the words "fifty cents"; and
- (e) by deleting the words "fifty-cents" from the first line of Section 3(b) and by substituting therefor the words "one dollar"; and
- (f) by deleting the words "twenty-five cents" from the first line of Section 4(a) and by substituting therefor the words "fifty cents"; and
- (g) by deleting the words "fifteen cents" from the first line of Section 5(a) and by substituting therefor the words "twenty-five cents".

2. Schedule 25A (Parking Time Limits) is hereby amended by adding to Section 5 (One Hour Limit) the following item, namely:-

"West 33rd	Both	Bendamere to Elmwood".
------------	------	------------------------

3. Schedule 25B (Parking Time Limits) is hereby amended by adding to Section 4 (One Hour Limit) the following item, namely:-

"Monterey	South	Park Row to Province".
-----------	-------	------------------------

4. Schedule 26 (No Parking Areas) is hereby amended by adding to Section A (No Parking Anytime) the following items, namely:-

"David	East	from a point 87 ft. south of Southbend to Crestwood
Crestwood	North	David to 98 ft. east
Beland	East	Lucerne to 154 ft. south".

and by deleting therefrom the following item, namely:-

"David	East	from a point 87 ft. S of Southbend to a point 171 ft. S of Southbend".
--------	------	--

5. Schedule 27 (Alternate Side Parking) is hereby amended by adding thereto the following items, namely:-

"Dalewood	West	East
Sterling to Paisley		
Queen Victoria	East	West".
Loconder to Quaker		

6. Schedule 34 (Sticker Permit Parking) is hereby amended by adding thereto the following items, namely:-

"Crestwood	South	commencing at a point 25 ft. east of David to a point 20 ft. easterly therefrom	Anytime
Grant	East	Stinson to Alanson	"Anytime".

PASSED THIS DAY OF , A.D. 19 .

CITY CLERK

MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

As Amended By:

Zoning By-law No. 85-213

Respecting:

LAND LOCATED AT MUNICIPAL NO. 65 WALNUT STREET SOUTH

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 85-213 on the 8th day of October 1985 to change the zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "E-1" (Multiple Dwellings, Lodges, "E" (Multiple Dwellings, Lodges, Clubs, etc.) District and established a special requirement under Section 19B of By-law No. 6593, in respect of the above referred to land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 19 of the 3rd Report of the Planning and Development Committee at its meeting held on the 30th day of January 1990, directed that Zoning By-law No. 6593 be further amended to establish additional requirements under Section 19B of Zoning By-law No. 6593 in respect of the above lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11A of Zoning By-law No. 6593, as amended by By-law No. 85-213, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

- (a) notwithstanding Section 11A(1)(iii) of By-law No. 6593, a flower shop shall be permitted;
- (b) notwithstanding Section 11A(1)(iii)(g) of By-law No. 6593, the storage of materials shall be permitted and shall occupy no more than one-half of the floor area of the building.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "E-1" District provisions, subject to the special requirements referred to in section 2.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-927a.

4. Sheet No. E-5 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-927a.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this

day of

A.D. 1990.

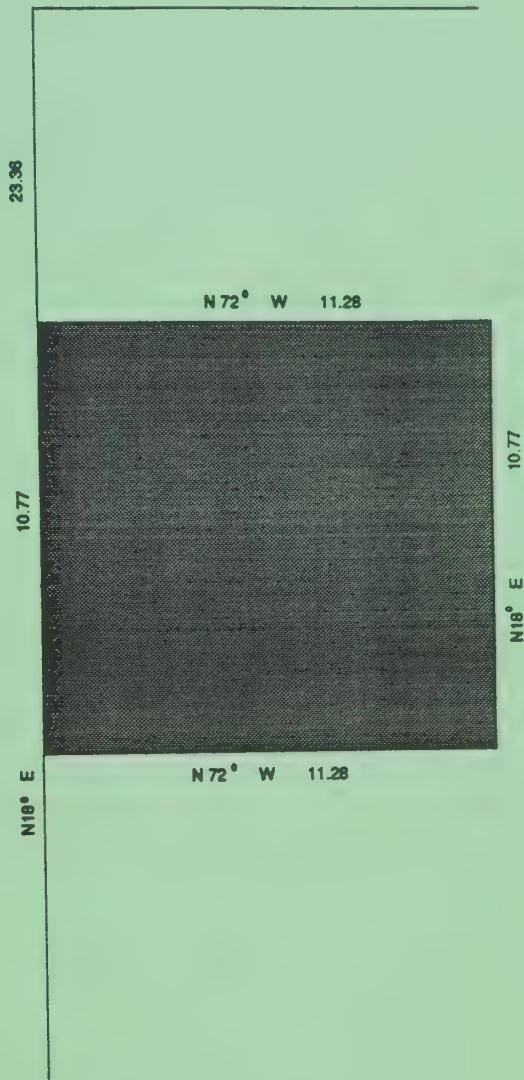
City Clerk

Mayor

(1990) 3 R.P.D.C. 19, January 30
Lynn Mitges and Anna McCusker, Owners
ZA-89-119

Jackson Street East

Walnut Street South



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 90-.....
Passed the day of, 1990.

.....
Clerk

.....
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 90-.....

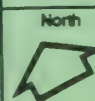
to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Lands to be regulated by
By-Law No. 90-.....



Scale
NOT TO SCALE

Date
February 1990

Reference File No.
ZA 89-119

Drawn By
W.B.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

As Amended By:

Zoning By-law No. 70-200 and By-law No. 86-115

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1000 UPPER GAGE AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 70-200 on the 28th day of July 1970, to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, in respect of lands located in the area bounded by Upper Sherman Avenue, Limeridge Road, Upper Gage Avenue and Berko Avenue, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 19th day of June 1972, (File No. R 4057);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 86-115 on the 25th day of March 1986, to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593, in respect of lands in the block bounded by Upper Gage Avenue, Lockton Crescent, Lawson Street and Edwina Place, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with Section 34(19) of the Planning Act, 1983, S.O. 1983, c. 1;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 7 of the 2nd Report of the Planning and Development Committee at its meeting held on the 30th day of January 1990, directed that Zoning By-law No. 6593 be further amended to establish additional requirements under Section 19B of Zoning By-law No. 6593, in respect of land located at Municipal No. 1000 Upper Gage Avenue, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "G" (Neighbourhood Shopping Centre, etc.) District provisions, as contained in Section 13 of Zoning By-law No. 6593, as amended by By-law No. 70-200 and By-law No. 86-115, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

- (a) notwithstanding the provisions of Section 13.(1) of By-law No. 6593, a shopping centre identification sign having a sign area of not more than 12 m² shall be permitted subject to the provisions of Section 13A(1)(xii) 3 and 5;
- (b) notwithstanding the provisions of Section 13.(3) of By-law No. 6593, the shopping centre identification sign shall be set back not less than 3.0 m from any street line;
- (c) the shopping centre identification sign shall be set back not less than 3.0 m from the nearest access driveway;
- (d) the shopping centre identification sign shall have a clear height of not less than 3.0 m from the ground to the bottom of the sign.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-156c.

4. Sheet No. E-38A of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-156c.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this

day of

A.D. 1990.

City Clerk

Mayor

(1990) 2 R.P.D.C. 7, January 30
Joseph Greenbaum, Owner
ZA-89-97

EDWINA PLACE

ARC 7.33
N62°29'30"E

83.72 N71°37'W

LAWSON STREET

113.79 N16°35'E

118.48 N16°35'E

UPPER GAGE AVENUE

88.44 N71°38'W

NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-
PASSED THE ____ DAY OF ____ 1990

Clark

Mayor

CITY OF HAMILTON

SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND



LANDS TO BE REGULATED
BY BY-LAW NO. 90-

North



Scale

NOT TO SCALE

Reference File No.

ZA 89-97

Date

JAN. 10, 1990

Drawn By

Z.K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593
As Amended By By-law No. 81-305

and

To Repeal By-law No. 83-83

Respecting:

LAND LOCATED AT MUNICIPAL NO. 1036 UPPER WENTWORTH STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 81-305 on the 10th day of November 1981 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593 for the "HH" District provisions, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 19th day of February 1982, (File No. R 820079);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 83-83 on the 8th day of March 1983 to establish special requirements under Section 19B of Zoning By-law No. 6593 for the "HH" District provisions, in respect of the above-captioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was approved by the Ontario Municipal Board by Order dated the 9th day of June 1983, (File No. R 830694);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 15 of the 24th Report of the Planning and Development Committee at its meeting held on the 31st day of October 1989, directed that Zoning By-law No. 83-83 be repealed in its entirety and that Zoning By-law No. 6593, as amended by By-law No. 81-305 be further amended to establish additional requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 83-83 is hereby repealed.
2. (a) Section 2.(a)(i)1 of By-law No. 81-305 is amended by deleting the words "within the existing building";

(b) Section 2.(a) of By-law No. 81-305 is amended by adding thereto the following clause:

(iii) RESIDENTIAL USE:

1. One dwelling unit, provided same is located above the permitted Commercial Use.

3. The "HH" (Restricted Community Shopping and Commercial) District provisions, as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 81-305, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirements that,

- (a) notwithstanding Section 14A(3)(a) of By-law No. 6593, a front yard having a depth of at least 1.0 m shall be provided and maintained;
- (b) Section 14A(3)(b) of By-law No. 6593 shall not apply to the northerly side yard;
- (c) an access driveway not less than 3.5 m in width shall be provided and maintained adjacent to the northerly side lot line;
- (d) notwithstanding Section 14A(4) of By-law No. 6593, a lot area of not less than 263 m² shall be provided and maintained.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in section 3, and section 2 of By-law No. 81-305.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-768b.

6. Sheet No. E-18A of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-768b.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

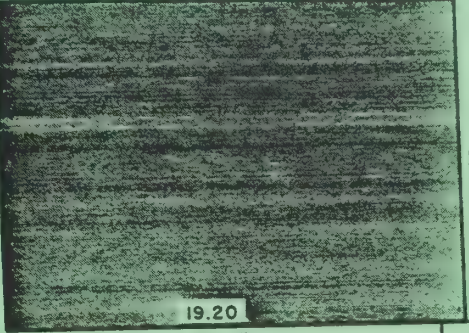
PASSED this day of A.D. 1990.

City Clerk

Mayor

13.79 ± PARALLEL WITH EASTERN LIMIT OF LOT 11

N 71° 28' 10" W 19.20



13.72
N 17° 18' 20" E

19.20
N 71° 29' 40" W

8.23

96.80

UPPER WENTWORTH STREET

SOUTH EAST CORNER
OF LOT 11 - CON. 6

LIMERIDGE ROAD EAST

NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. _____
PASSED THE _____ DAY OF _____

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF


BY-LAW NO. _____

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

LANDS TO BE REGULATED
BY BY-LAW NO.

North	Scale	Reference File No.
	NOT TO SCALE	ZA 89-52
	Date	Drawn By
	OCTOBER 1989	Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

As Amended By:

Zoning By-law No. 75-136

Respecting:

LAND LOCATED AT MUNICIPAL NO. 186 HUNTER STREET EAST

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 75-136 on the 13th day of May 1975 to change the zoning and establish special requirements under Section 19B of Zoning By-law No. 6593 for the "J" District provisions, in respect of the lands located in the Corktown Neighbourhood, the extent and boundaries of which are shown on plans thereto annexed as Schedules "A", "A1", "A2", "A3", "A4", "A5", "A6" and "A7", which by-law was approved by the Ontario Municipal Board by Order dated the 26th day of August 1977, (File No. R 751771);

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 13 of the 26th Report of the Planning and Development Committee at its meeting held on the 14th day of November 1989, directed that Zoning By-law No. 6593, as amended by By-law No. 75-136, be further amended to establish an additional requirement under Section 19B of Zoning By-law No. 6593 in respect of the land located at Municipal No. 186 Hunter Street East, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "J" (Light and Limited Heavy Industry, etc.) District provisions, as contained in Section 16 of Zoning By-law No. 6593, as amended by By-law No. 75-136, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the following special requirement that,

(a) notwithstanding Section 16.(1) of By-law No. 6593, the following additional uses shall be permitted within the existing building:

1. A business and professional person's office.
2. A retail variety store.
3. A wholesale establishment.
4. A warehouse.
5. A food catering or food distribution business.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "J" District provisions, subject to the special requirement referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-409b.

4. Sheet No. E-5 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-409b.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

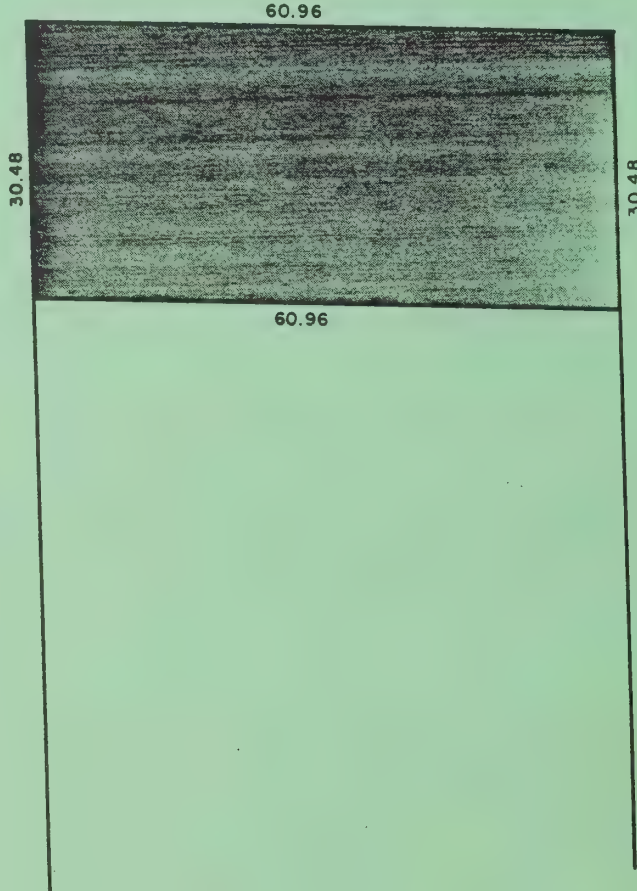
City Clerk

Mayor

HUNTER STREET EAST

FERGUSON AVENUE SOUTH

LIBERTY STREET



NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. _____
PASSED THE _____ DAY OF _____

Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF


BY-LAW NO.

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

 LANDS TO BE REGULATED
BY BY-LAW NO.

North 	Scale NOT TO SCALE	Reference File No. ZA 89-60
	Date NOV. 15, 1989	Drawn By Z. K.

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 87-118

and

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 1489 to 1495 UPPER GAGE AVENUE

WHEREAS By-law No. 87-118, passed by the Council of The Corporation of the City of Hamilton on the 28th day of April 1987, rezoned the above-captioned lands from "AA" (Agricultural) District to "DE-3"-H (Multiple Dwellings - Holding) District (Block 1) and from "C" (Urban Protected Residential, etc.) District to "DE-3"-H (Multiple Dwellings - Holding) District (Block 2), and established a special requirement with respect to the said lands, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A";

AND WHEREAS section 2(a) of By-law No. 87-118 provides that upon installation of all such municipal sewers as the City deems necessary, the 'H' symbol shall be removed by amendment to By-law No. 87-118;

AND WHEREAS the municipal sewers as deemed necessary by the City have been installed as of the 22nd day of January 1990 and are available to service the subject lands;

AND WHEREAS this by-law does not conflict with the intent of the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

AND WHEREAS City Council in adopting Item 18 of the 5th Report of the Planning and Development Committee at its meeting held on the 27th day of February 1990, directed the City Solicitor to prepare the necessary by-law to remove the 'H' symbol in respect of the above lands.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 87-118, passed on the 28th day of April 1987, to the "DE-3"-H (Multiple Dwellings - Holding) District designation of Blocks 1 and 2, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 87-118 and forming part thereof, is hereby removed, and the development of the lands comprised in said Blocks 1 and 2 may proceed in accordance with the "DE-3" (Multiple Dwellings) District provisions of Zoning By-law No. 6593, subject to the special requirement referred to in section 3 of By-law No. 87-118.

2. Sheet No. E-49D of the District Maps, appended to and forming part of Zoning By-law No. 6593, as amended by section 1 of By-law No. 87-118, is further amended by changing from "DE-3"-H (Multiple Dwellings - Holding) District to "DE-3" (Multiple Dwellings) District, the land comprised in Blocks 1 and 2, the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 87-118 and forming part thereof.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-3" District provisions, subject to the special requirement referred to in section 3 of By-law No. 87-118.

4. By-law No. 6593, as amended by By-law No. 87-118, passed on the 28th day of April 1987, is further amended by adding this by-law to section 19B as Schedule S-1009a.

5. Sheet No. E-49D of the District Maps, as amended by By-law No. 87-118, passed on the 28th day of April 1987, is further amended by marking the lands referred to in section 2 of this by-law, S-1009a.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

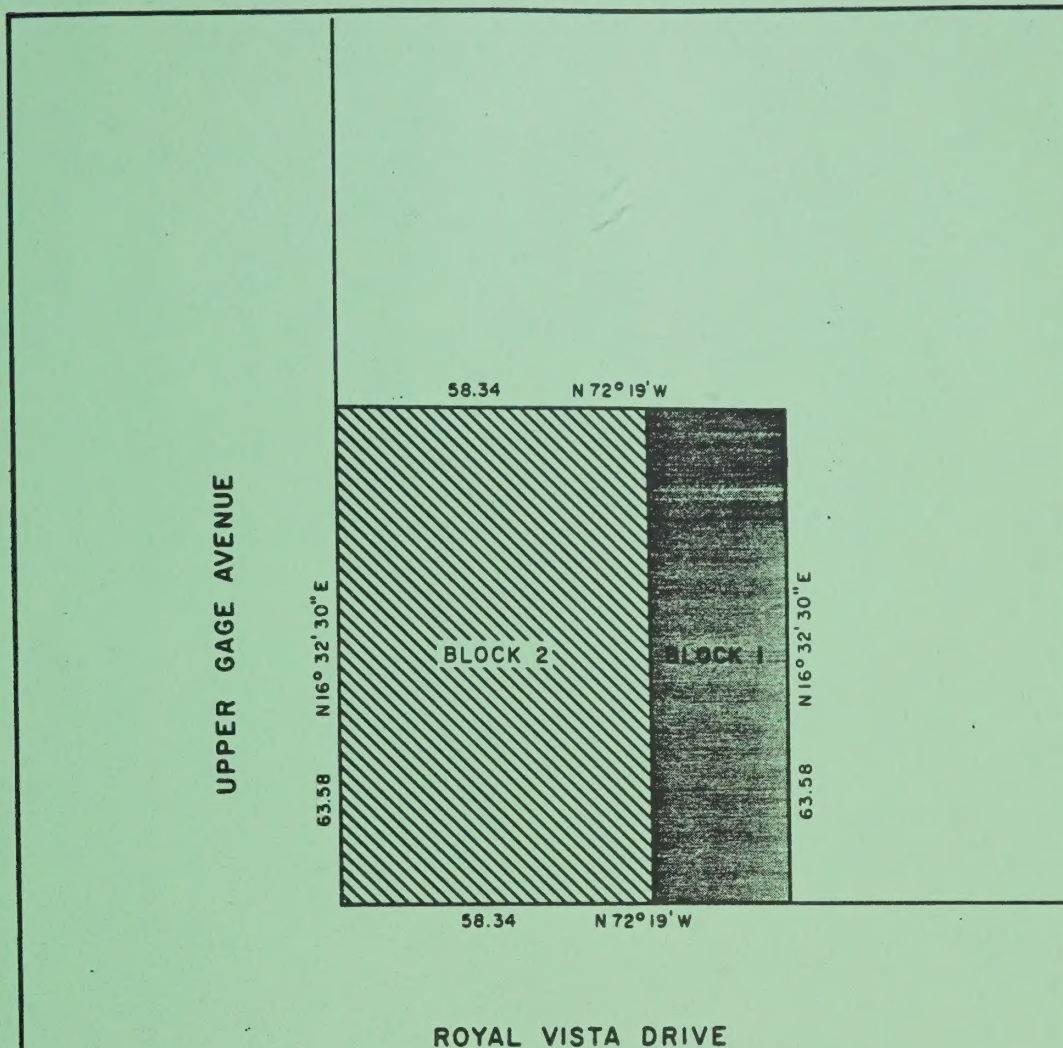
PASSED this

day of

A.D. 1990.

City Clerk

Mayor



ROYAL VISTA DRIVE

NOTE: ALL DIMENSIONS
ARE IN METRES

THIS IS SCHEDULE "A" TO BY-LAW NO. 90-_____
PASSED THE _____ DAY OF _____ 1990

Clerk

Mayor

CITY OF HAMILTON
SCHEDULE "A"
MAP FORMING PART OF
BY-LAW NO. 90-
TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

LEGEND

BLOCK 1



BLOCK 2

LANDS TO BE REGULATED
BY BY-LAW NO. 90 -

North

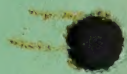


Scale
NOT TO SCALE

Date
FEB. 6, 1990

Reference File No.
ZA 90-01

Drawn By
Z. K.



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25073	R. BLUE/BLEU R.	BB2507
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25075	GREEN/VERT	BP2507
25077	TANGERINE	BA2507
25078	RED/ROUGE	BF2507
25079	X. RED/ROUGE X.	BX2507

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